

EXHIBIT 12



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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April 8, 2003

Honorable Michael R. Bloomberg
Mayor, City of New York
City Hall
New York, NY 10007

Re: Report To The Mayor

Dear Mayor Bloomberg:

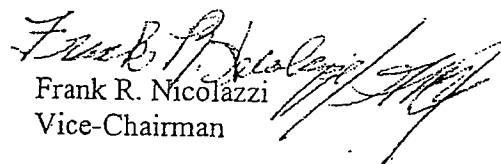
Pursuant to Section 832 of the New York City Charter, the Equal Employment Practices Commission respectfully submits the enclosed Report pursuant to the failure of the New York Fire Department to implement certain corrective actions as recommended in this Commission's Follow-up Audit of the Fire Department's Recruitment Program for Firefighter Exam # 7029 (1999). A copy of this Report is also being forwarded to the New York Fire Department.

We respectfully request that you direct Fire Commissioner Nicholas Scoppetta to implement the following corrective actions:

- Conduct an adverse impact study on the 60 college credit requirement for firefighter applicants, and
- Conduct an adverse impact study on the written examination.

Section 832 of the New York City Charter requires the New York Fire Department to submit a written response to you and this Commission in thirty days.

Sincerely,


Frank R. Nicolazzi
Vice-Chairman

c: Deputy Mayor Carol Robles-Roman
Commissioner Nicholas Scoppetta, FDNY
David Clinton, Esq., Deputy Commissioner, Legal, FDNY

AMJr./ms

EEPC 0346

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

REPORT TO THE MAYOR

**PURSUANT TO THE FAILURE OF THE NEW YORK CITY FIRE DEPARTMENT TO
COMPLY WITH CERTAIN EQUAL EMPLOYMENT OPPORTUNITY
REQUIREMENTS OF CHAPTER 36 OF THE NEW YORK CITY CHARTER**

EEPC 0347

INTRODUCTION

Pursuant to Chapter 36, Section 832 of the New York City Charter, the Equal Employment Practices Commission hereby submits to the Mayor of the City of New York, the Honorable Michael R. Bloomberg, a report detailing the lengthy, unsuccessful efforts of this Commission to obtain compliance with certain recommended corrective actions pursuant to the Follow-up Audit of the New York City Fire Department's Recruitment Program for Exam No. 7029 (February 27, 1999). Specifically, the Fire Department has failed to implement two critically important recommended corrective actions.

#10: The Department should conduct an adverse impact study to determine if the new educational requirement (80 college credits for firefighter applicants) disproportionately screens out members of historically under-represented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employment Selection Procedures"; and

#13: The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employment Selection Procedures".

Consequently, the Equal Employment Practices Commission respectfully requests that, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the Mayor direct the New York City Fire Department to adopt the aforementioned recommended corrective actions pursuant to the requirements of the City's Equal Employment Opportunity Policy.

RATIONALE

Section 6(A)(2) of the City's Equal Employment Opportunity Policy states: "Agencies will examine all devices used to select candidates for employment to determine whether these devices adversely impact any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, agency heads will determine whether the device is job-related. If the device is not job-related the agency will discontinue using that device."

Selection devices include pre-employment educational requirements as well as written examinations. In addition, the federal government's *Uniform Guidelines on Employee Selection Procedures*, 29 C.F.R. sec. 1607, require that employers maintain documentation on the adverse impact of selection procedures for each job and, where it is determined a selection process has an adverse impact, evidence of validity (job-relatedness).

It is critical that the FDNY conduct these adverse impact studies for several other compelling reasons. According to December 31, 2001 workforce statistics generated by DCAS, white males constituted 91.8% of all firefighters (non-supervisors and supervisors). In addition, a survey conducted by the EEPIC in 1999 found that the FDNY had the lowest percentage of

minority and female firefighters compared to the following major American cities: Los Angeles, Chicago, Houston, Philadelphia, San Diego, Dallas, San Antonio, and San Jose.

AUDIT AND COMPLIANCE HISTORY

Pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission (EEPC) initiated an audit of the Fire Department's Recruitment Program for Firefighter Exam No. 0084 (1992) in 1994. In recognition of the institutional resistance within the Fire Department (FDNY) to the recruitment of minorities and women as firefighters, the Commission established an Advisory Committee to participate in the development of recommendations to improve the recruitment of women and minority candidates. The "Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program" consisted of the leaders of twelve fraternal organizations within the FDNY (including the Vulcan Society, and the Hispanic Society) the United Women Firefighters Association, and the Uniformed Firefighter's Association (represented by then president, Thomas Von Essen). Then Fire Commissioner Howard Safir was an ex officio member of the Advisory Committee.

On October 18, 1994, this Commission issued fourteen recommendations for improving the Fire Department Recruitment Program. Eleven of those recommendations were developed by the Advisory Committee and approved by this Commission. Despite the fact that the leaders of twelve fraternal (and one female) organizations in the FDNY developed the overwhelming majority of these recommendations, a number of the Advisory Committee recommendations were not implemented by the Fire Department.

On August 12, 1999, a follow-up audit of the Fire Department's Recruitment Program for Firefighter Examination No. 7029 (February 27, 1999) was initiated. After completing the audit, EEPC issued a draft Preliminary Determination Letter (audit report), which contained sixteen recommended corrective actions to bring the Fire Department in compliance with the City's Equal Employment Opportunity Policy and the Commission's audit recommendations of October 18, 1994.

On March 10, 2000, EEPC senior staff and Commissioner Manuel Mendez met with Fire Commissioner Thomas Von Essen and his senior staff to discuss the audit findings and recommendations. During this audit exit meeting, Commissioner Von Essen and his staff challenged all or part of eight recommended corrective actions. At the conclusion of the meeting, EEPC staff informed Commissioner Von Essen that a formal Letter of Preliminary Determination would be forwarded to him after the next Commission meeting and his response would be due thirty days after receipt of that Letter.

On May 25, 2000, EEPC Vice Chairman Frank R. Nicolazzi forwarded to Commissioner Von Essen a Preliminary Determination Letter pursuant to the aforementioned audit. The Preliminary Determination contained the same 16 recommended corrective actions. All of the Commission's recommendations for corrective actions were consistent with the Equal Employment Opportunity Policy issued by the Department of Citywide Administrative Services in 1996 (still in force) and the Commission's audit recommendations of October 18, 1994.

On July 14, 2000, Commissioner Von Essen submitted the Fire Department's response to the Commission's Preliminary Determination.

On August 21, 2000, Vice Chairman Nicolazzi replied to Commissioner Von Essen's letter, noting that he (Von Essen) reneged on pledges made on March 10, 2000 to implement certain Commission recommendations. Vice Chairman Nicolazzi also stated that the July 14, letter totally ignored one of the Commission's recommendations and only partially addressed many of the others. Given these facts, the Commission found the response letter to be inadequate and unacceptable and requested a more detailed response to the EEPC's recommendations.

On September 14, 2000, Commissioner Von Essen submitted a second response letter.

On October 31, 2000, Vice Chairman Nicolazzi notified Commissioner Von Essen that his second response letter contained a number of discrepancies that needed to be resolved before the audit could be concluded. Consequently, the members of the Commission requested a meeting with Commissioner Von Essen to clarify the discrepancies.

On December 19, 2000, Commissioner Von Essen met with the EEPC members. Significantly, Commissioner Von Essen agreed at that meeting to implement the Commission's audit recommendation to conduct an adverse impact study of the college credit requirement for firefighter applicants.

On January 29, 2001, the EEPC notified the Fire Commissioner of its intent to initiate audit compliance.

On March 8, 2001, EEPC representatives met with the Fire Department's newly-appointed EEO Officer and her associates to formally initiate audit compliance. (The New York City Charter provides that the audit compliance period, during which the audited agency provides monthly reports on its efforts to implement the Commission's recommendations, may last up to six months). At that time, an additional required action was included—the dissemination of a memorandum by the Commissioner informing all staff of the improvements in the FDNY Recruitment Program resulting from the audit recommendations. (#17)

On May 9, 2001, the Fire Department submitted its first monthly compliance report (for April 2001). In that report, the Department once again agreed to conduct an adverse impact study to determine if the new educational requirement (60 college credits for firefighter applicants) disproportionately screens out members of historically under represented groups. The Department's compliance report also stated that DCAS was responsible for conducting an adverse impact study based on the results of the written examination.

On October 18, 2001, in response to the World Trade Center Attack the Commission voted unanimously to suspend audit compliance until further notice. At that time, the FDNY had submitted four out of six Monthly Compliance Reports.

On June 20, 2002, nine months after the World Trade Center Attack, the Commission voted unanimously to resume audit compliance.

On September 13, 2002, the FDNY submitted its sixth Monthly Compliance Report. In that Report, the Department changed its positions on the two recommended corrective actions at issue: it stated that it is "unwilling to remove" the college credit requirement, and it would take "under advisement" the Commission's recommendation that the FDNY should conduct an adverse impact study based on the results of the written examination.

On September 20, 2002, the FDNY requested a one-month extension of the compliance period to address the outstanding corrective actions. The Commission granted the extension.

On October 25, 2002, the FDNY submitted its seventh and final Monthly Compliance Report. In this document, the Department stated "[w]hile the Fire Department believes that the college requirement is relevant, we are giving the recommendation of conducting an adverse impact study ongoing consideration."

On December 11, 2002, the Commission issued its Final Determination Letter, identifying those EEPD recommendations accepted and rejected by the Department. The Commission also requested the FDNY's response to the Final Letter of Determination within thirty days.

On January 14, 2003, the FDNY submitted its response to the EEPD's Final Determination Letter. In this document, the Department agreed to implement all but two of the Commission's recommended corrective actions: the FDNY took the position that it "has not yet made a final determination" concerning the adverse impact studies for the new college credit requirement and the written examination.

CONCLUSION

As of April 3, 2003, more than two years after the Commission initiated the compliance process, and more than three years after the Commission issued its audit recommendations, the Department has still not committed to implementing two critical audit recommendations: conducting adverse impact studies of its new educational requirement (60 college credits), and the written examination.

RECOMMENDATION

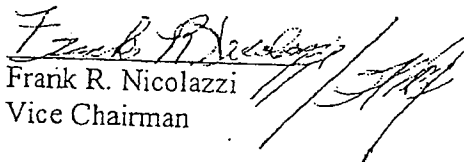
The Equal Employment Practices Commission hereby recommends that the Mayor direct Commissioner Nicholas Scopetta to comply with the requirements of Chapter 36 of the New York City Charter and the City's Equal Employment Opportunity Policy and:

- Conduct an adverse impact study to determine if the new educational requirement (~~60~~
30 college credits for firefighter applicants) disproportionately screens out

members of historically under-represented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employment Selection Procedures"; and

- Conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employment Selection Procedures".

Respectfully Submitted,


Frank R. Nicolazzi
Vice Chairman

Attachments: Audit Correspondence

Attachments to Report To Mayor Re: FDNY

Audit Correspondence

1. May 25, 2000: Letter of Preliminary Determination
2. July 14, 2000: Response Letter
3. August 21, 2000: EEPC Letter
4. September 14, 2000: FDNY Letter
5. October 31, 2000: EEPC Letter
6. December 19, 2000: Minutes of Meeting with Fire Commissioner Thomas Von Essen,
et al.
7. Letter of Final Determination
8. FDNY Response
9. Notification of Distribution of Report to Mayor



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Deputy Director/Counsel

May 25, 2000

Thomas Von Essen
Commissioner
New York City Fire Department
9 Metrotech Center
Brooklyn, NY 11201

Re: Preliminary Determination Pursuant to the Follow-Up Audit of the New York City Fire Department's Recruitment Program for Examination No. 7029 (February 27, 1999)

Dear Commissioner Von Essen:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEOC) is empowered to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women. (New York City Charter, Chapter 36, Section 831(d)(2) and (5)).

This letter contains the preliminary determinations of the EEOC staff pursuant to its follow-up audit of the New York City Fire Department Recruitment Program for Examination No. 7029 (February 27, 1999). Recommendations for corrective actions are included where the EEOC has determined that the New York City Fire Department (FDNY) has failed to undertake appropriate and effective strategies to increase the number of women and minority candidates or, to comply with: 1) the EEOC's audit recommendations of October 18, 1994, 2) the mandates of the City's Equal Employment Opportunity Policy (EEOC) or 3) the Federal government's Guidelines on Employee Selection Procedures (29 C.F.R. sec. 1607).

The purpose of this audit is to evaluate the agency's compliance with the aforementioned mandates, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

EEOC 0354

Background

In 1994, the Equal Employment Practices Commission ("Commission") conducted an audit of the Fire Department's Recruitment Program for Firefighter Exam No. 0084. The Commission issued its Preliminary Determinations on August 5, 1994 and made recommendations to improve the Department's Recruitment Program on October 18, 1994.

Prior to issuing its recommendations, the Commission established an Advisory Committee To Recommend Improvements In The Fire Department Recruitment Program. (Resolution #94/01-057). This Advisory Committee consisted of representatives of most of the fraternal organizations and unions within the Fire Department. Fire Commissioner Thomas Von Essen who was the president of the Uniformed Firefighters Association at that time was a member of the Committee. Former Fire Commissioner Howard Safir was an ex-officio member of the Committee.

The purpose of the Committee was to develop recommendations for improving the recruitment of women and minority candidates for firefighter positions. Testimony presented by former Fire Commissioner Carlos Rivera at a June 23, 1993 Public Hearing sponsored by EEPC indicates that at the end of December 1992, 92.9% of all firefighters were white males and .39% were women. The Advisory Committee was chaired by Charles Hughes, who was the chairman of the Equal Employment Practices Commission at that time. The Committee met over a three month period (July-September, 1994) and developed twelve recommendations that were approved by this Commission. Those recommendations were made jointly by the Advisory Committee and this Commission. Two additional recommendations were issued by this Commission independently.

In 1999, the Equal Employment Practices Commission conducted a follow-up audit of the Fire Department's Recruitment Program. Specifically, the Commission examined recruitment strategies undertaken by the Department to increase the number of women and minority candidates for Firefighter Examination No. 7029 and determined which of the 1994 recruitment recommendations were implemented by the Department and how they were implemented.

The application period for Firefighter Exam No. 7029 was September 2, 1998 to October 2, 1998. The written test was held on February 27, 1999. The physical portion of the exam began in November 1999 and, according to testimony by the Fire Commissioner, will be completed in April 2000. Appointments from the ensuing eligible list should begin in August 2000. According to statistics provided by the Fire Department, 22,821 individuals applied to take the test. Of those applicants, 15,819 (69.3%) were Caucasian, 3,067 (13.4%) were Hispanic, 2,595 (11.4%) were African-American, 263 (1.2%) were Asians and 898 (3.9%) were women. The percentage of minorities and women who applied for Exam No. 7029 was greater than the percentage that applied for Exam No. 0084. Overall, though, the total number of firefighter applicants dropped from 40,237 in 1992 to 22,821 in 1999--a decline of 43.2% (See Appendix I)

Statistics provided by the Fire Department indicate that 80.9% of the Caucasian applicants took the written test, while the corresponding percentage for Hispanics was 68.3%, 67.7% for

Asians, 66.4% for African-Americans, and 52.7% for women. (See Appendix 2)

According to Fire Department statistics, 17,151 individuals took the written exam. Of those applicants, 14,561 (84.9%) passed the test (which had a passing score of 85%). Caucasians had a pass rate of 91.6%, Asians had a pass rate of 80.3%, Hispanics has a pass rate of 76.6%, African-Americans had a pass rate of 61%, and women had a pass rate of 69.5%. (See Appendix 2)

Scope and Methodology

The Commission's audit consisted of the following: Interviews with the Deputy Commissioner for Intergovernmental Relations (who had overall responsibility for the recruitment program), the EEO Officer, the former and current Directors of the Office of Employment Initiatives, the Director of Personnel, the President of the United Women Firefighters, the President of the Vulcan Society and the President of the Hispanic Society. (The latter three organizations were represented on the Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program.) In addition, Commission auditors reviewed documents submitted by the Fire Department, representatives of the fraternal organizations and the Division of Citywide Personnel Services (DCAS) and examined transcripts of two New York City Council hearings on the Fire Department recruitment program (the Committee on Civil Service and Labor, October 21, 1998 and the Committee on Fire and Criminal Justice Services, September 28, 1999).

Preliminary Determinations and Recommendations

The Commission's audit revealed that the Fire Department undertook a number of efforts to attract women and minority candidates for Firefighter Exam No. 7029. According to testimony and documents submitted by FDNY, the Department placed English and Spanish language advertisements in minority-oriented newspapers, including the Amsterdam News and El Diario and on television and radio stations, including channel 47, Spanish language, and Cable 12 Bronx, with a heavy minority viewing audience. In addition, the Department conducted a "phone-a-thon" to 2,000 female contacts, sent recruiters to local college campuses, high schools and community organizations with substantial female and minority populations, and, for the first time, placed the exam application on the Department's web page and distributed it to all City libraries.

In accordance with Recommendation #2 of the Commission's 1994 Recommendations, the Department provided incentives for firefighters to work as recruiters: it awarded overtime pay for night and weekend work at headquarters (not available during the recruitment campaign for the 1992 exam) and provided the option of a four-day work week, instead of the five normally required of headquarters personnel. FDNY also followed Recommendations #6 by having recruitment materials designed by a professional advertising firm, #10 by distributing information about tutorial sessions to all prospective applicants, #11 by making its Randalls Island training facility available to candidates for the physical part of the exam, and #12 by creating a Fire Cadet Corps. The Department partially complied with #13 by establishing an Advisory Committee open to all fraternal organizations; the EEPC recommended an Advisory Committee comprised of representatives of 6

groups: the Vulcan Society, Hispanic society, United Women Firefighters and three other fraternal organizations selected by the Fire Commissioner.

The Commission, on the other hand, found a number of deficiencies in the Department's recruitment activities and strategies and noted that some of the 1994 Recommendations were either not implemented or implemented ineffectively. Furthermore, the Department failed to comply with several provisions of the City's Equal Employment Opportunity Policy, issued by the Department of Personnel (now DCAS) in 1996. Following is a description of those deficiencies with recommendations for improvement.

1. FDNY Recruiters

According to FDNY officials and fraternal organizations representatives--who also served as volunteer recruiters--the Department employed 6 to 8 full-time recruiters during the 1998 campaign. The former head of the Office of Employment Initiatives indicated, however, that these individuals were often not present at the same time due to the staggered four-day work week and vacation schedules. That official and the EEO Officer also informed EEPC auditors that each borough was not assigned a recruitment team. Although the figure of 6 to 8 full-time recruiters represented an increase from the recruitment campaign for the 1992 exam (which, according to the EEO Officer, used 3 to 4 full-time recruiters), it was inadequate to accomplish the mission of attracting substantially larger numbers of historically underrepresented groups to the Department. Furthermore, the Department failed to implement the EEPC's first 1994 Joint Recommendation on this issue.

Recommendation: There should be a year-round recruitment team for each borough. All recruitment teams should include at least one African-American, one Hispanic, one Asian-American and one Caucasian. No less than one recruiter should be a female. Accordingly, the Department should have at least twenty active, full-time recruiters at all times.

2. Incentives for Recruiters

Although the Department provided incentives for firefighters to work as recruiters, these incentives (listed above) were described as inadequate by representatives of the fraternal organizations. These representatives noted that greater incentives were necessary because firefighters prefer working at firehouses, where they have more comradery, free parking, flexible scheduling (work one day in three) and other comforts, such as meal, weight rooms and beds. The former director of the Office of Employment Initiatives suggested awarding recruiters five "points." This advice was strongly endorsed by representatives of the fraternal organizations interviewed by EEPC staff.

Recommendation: To attract firefighters to work as recruiters, the Department should grant five transfer points to field personnel who work as recruiters for at least two years. These points, which are regularly awarded to firefighters who go "offline" to work at headquarters, can be used to

obtain more favorable work locations.

3. Advisory Committee

According to representatives of the fraternal organizations, who also served on the Advisory Committee, the Department generally did not solicit their views on recruitment strategies; management made decisions prior to implementation and presented them to the Committee. For example, the Advisory Committee was not consulted on the initial decision to require 60 college credits for Exam No. 7029. After the decision was presented to the Advisory Committee and the members of the body protested, the number of required college credits was lowered to 30. The Committee was also not "in the loop" on the selection of an advertising agency and the development of recruitment literature, particularly the "dot-guy" poster.

Recommendation: To function effectively as an advisory body, the Advisory Committee should be fully involved in all firefighter recruitment strategies and related decisions, including, but not limited to, the selection of recruitment consultants, the development of recruitment literature and the issuance of new or revised pre-employment requirements. In addition, management of the Fire Department should meet with the Advisory Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign.

Recommendation: The Advisory Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.

4. Recruitment Budget

According to the Deputy Commissioner for Intergovernmental Relations, there was no fixed budget for the most recent firefighter recruitment campaign. The former Director of the Office of Employment Initiative told EEPC auditors that his office was given \$20,000 to use on recruitment activities. The Department ultimately spent about \$250,000 on media costs. The former Director of the Office of Employment Initiatives suggested that FDNY have a dedicated budget for recruitment that increases as an examination approaches.

Recommendation: FDNY should have a designated annual budget to cover all recruitment expenses. This budget, at a minimum, should provide for approximately 25 employees (including 20 full-time recruiters and other clerical and administrative staff) and all Other Than Personnel Services (OTPS) expenses, such as advertising expenses, the dollar value of any pro-bono consulting services, and recruitment vehicles.

5. Bonus Points

Five bonus points will be added to the *final* exam score of those candidates who are residents

of New York City. Beginning with Exam No. 7029, firefighter candidates will be required to produce written verification of their New York City residencies for a one year period--August 1, 1999 through August 1, 2000. Unlike the New York Police Department, however, the Fire Department does not conduct field investigations of department applicants. (NYPD informed the Commission that it uses sworn officers to conduct field investigations of applicant residencies. Applicants may be disqualified from service as police officers if these investigations reveal falsification of City residency.) Consequently, FDNY's Personnel Director stated that the Department does not do the type of investigation that would allow it to recommend to DCAS that applicants be disqualified based on falsification of City residency.

Representatives of the fraternal organizations interviewed by EEPC auditors believe that City residency is the *key* to increasing minority hiring and argue that FDNY is not doing enough to insure that only bona fide city residents receive the five point bonus. They recommend three strategies with regard to the five point bonus: that, in order to increase the number of minorities eligible to take the physical portion of the exam, the five point bonus be awarded after successful completion of the written test; that Fire Marshals, who are trained investigators, be assigned to conduct field investigations of applicant residencies; and that applicants who fraudulently misrepresent their residencies be disqualified for firefighter positions, as provided by the Notice of Examination (No. 7029).

In addition, the first of these five point bonus recommendations (awarding the five points after passing of the written exam) was endorsed by Councilman Lawrence Warden, Chairman of the City Council Committee on Fire and Criminal Justice Services. The Fire Commissioner also indicated at hearings before that Committee that he would talk to the Department of Citywide Administrative Services about changing the procedure. In his October 21, 1998 testimony before the City Council Committee on Civil Service and Labor, the First Deputy Commissioner indicated that the Department was considering using Fire Marshals to investigate suspected cases of residency fraud. The Fire Department's EEO Officer also told EEPC auditors that he endorses the use of Fire Marshals to verify the residencies of firefighter applicants.

Recommendation: The five point residency bonus should be awarded after firefighter applicants pass the written portion of the exam. This change is particularly appropriate since the Fire Commissioner indicated at the March 10, 2000 audit exit meeting that the new physical exam, approved by the U.S. Department of Justice, will be conducted on a pass-fail basis.

Recommendation: Fire Marshals should be authorized to conduct field investigations of the residencies of firefighter applicants and these investigations should be conducted with the intent to remove applicants from the list who defraud the City with false residency claims. If and when the Fire Department secures sufficient funding to hire ten additional civilian investigators to conduct residency checks (a plan announced by the Fire Department at the March 10, 2000 exit audit meeting), it can cease the use of the Fire Marshals.

6. First Responder Certification

Exam No. 7029 is the first firefighter test to require that applicants possess Certified First Responder Certification With Defibrillation (CFRD). (This certification allows firefighters to perform CPR until the Emergency Medical Technician's arrive on the scene.) Prior to this exam, emergency medical training was provided to new hires at the Fire Academy. The Department, in its testimony to the City Council, stated that this new requirement allows the Academy to concentrate more on "firematics." Representatives of the fraternal organizations claim that this new requirement is confusing to minorities, "puts them off" at the outset and is expensive (a commercial preparation course can cost up to \$300). In addition, the Department's EEO Officer told EEPC auditors that the CFRD requirement "adds another hurdle to kids you are trying to attract."

Recommendation: Training for CFRD should be included in the Fire Academy curriculum, as it was in the past, for reasons of fairness and cost. The EEPC also believes that this pre-employment requirement might disproportionately screen out minority and female candidates and cannot be justified by business necessity. Inasmuch as the Fire Department claims that reintroducing CFRD training in the Fire Academy will extend the length of that training, the Department should provide for a longer Academy training period.

7. Recruitment Retention

According to the current Director of the Office of Employment Initiatives, FDNY does not have a program or strategy to reduce attrition by minority and women applicants during the lengthy selection process. His office does, however, refer firefighter applicants to the various fraternal organizations for informal follow-up and/or outreach. The President of the United Women Firefighters noted that mentoring is critical since women candidates drop out at 2 times the rate of Caucasian men. (Indeed, statistics provided by FDNY show that 75% of all firefighter applicants took the written exam, while the corresponding percentage for women was only 52%. See Appendix 2.) The President of that organization also told EEPC auditors that since so few women firefighters will be in the Department due to impending retirements, her group can no longer continue to provide effective mentoring. Hence, the Department must assume this responsibility. Due to high drop out rates among minorities, the heads of the Vulcan and Hispanic Societies also wish to see this responsibility shifted to the FDNY.

Recommendation: FDNY, specifically its Office of Employment Initiatives, should assume prime responsibility for developing and implementing a program or strategy to reduce attrition by applicants in the underutilized groups--minorities and women. This requirement will not prevent the Department from continuing to seek the assistance of the fraternal organizations in keeping these groups in the pipeline during the selection process.

8. College Credits

Beginning with Exam No. 7029, firefighter applicants must have 30 college credits or a high

school diploma and 2 years of military service by the date of appointment. (The Department initially required 60 credits, but lowered that number to 30 after opposition was raised by members of the Advisory Committee.) Representatives of the fraternal organizations told EEPC auditors that college credits are unnecessary, since the job of firefighter has not changed significantly in recent years and current leaders of the Department came in without attending institutions of higher learning. These groups also base their opposition on the willingness of the Department to accept 30 credits in any subject(s). Furthermore, the fraternal organizations claim that the college credit requirement disproportionately screens out qualified minority applicants. During the March 10, 2000 audit exit meeting, the Fire Commissioner stated that college credits are required today because of the increased sophistication of firefighter duties.

Recommendation: Given the egregious and long-standing under representation of minorities and women in FDNY, the Department should comply with Section VI (A)(2) of the City's EEO Policy and conduct an adverse impact study to determine if the new educational requirement disproportionately screens out members of historically under represented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607.

9. Tutorial Program

The Department prepared its own tutorial program for the written portion of Exam No. 7029. (Previous tutorials were prepared by the Department of Citywide Administrative Services.) The former Director of the Office of Employment Initiatives told EEPC auditors that although the tutorial material was presented in a new, computer format (Microsoft Power Point Presentation), the information was old and outdated. The President of the United Women Firefighters testified that the tutorial materials contained spelling errors and multiple correct answers. Both of those individuals recommended that a professional consultant be retained to develop the tutorial for the written firefighter test. In a May 22, 2000 letter to the EEPC, the Fire Commissioner stated that a professional consultant (Landry Associates) was employed to develop tutorial material for the written examination. However, the documentation of the consultants's involvement in test preparation and tutorial material, which was attached to that letter, relates to Exam No. 0084, which was administered in 1992. In addition, the Department did not implement Joint Recommendation No. 9 (1994), which states: "The tutorial program should continue and the fraternal organizations should make recommendations in the selection of the consultant."

Recommendation: In keeping with Joint Recommendation No. 9 (1994) and the advice of the former Director of the Office of Employment Initiatives and the President of the United Women Firefighters, the Department should retain a consultant to develop the tutorial for the next written firefighter examination. The members of the Advisory Committee should be involved in the selection of that consultant.

10. Cadet Corps

The FDNY Cadet Corps was created during the administration of the previous Fire Commissioner. The original goal of this program was to move graduates of the Corps directly into firefighter positions through a promotional firefighter examination (similar to the goal of the Police Department Cadet Corps). The current Fire Commissioner changed that goal by hiring Cadet Corps graduates as Emergency Medical Technicians (EMTs). More recently, Cadet Corps graduates are eligible to be appointed to positions in the Fire Safety and Education Division. After one year of service in those two positions, Cadet Corps graduates may take the promotional exam for firefighter. The representatives of the fraternal organizations told EEPC auditors that the Cadet Corps offers one of the best opportunities for increasing the number of women and minority firefighters. They, along with the former director of the Office of Employment Initiatives, recommend that Cadet Corps graduates be allowed to move directly into firefighter positions by way of a promotional exam. They also recommend annual promotional exams for those graduates. That recommendation was also endorsed by the Fire Commissioner during his September 28, 1999 testimony before the City Council Committee On Fire and Criminal Justice Services.

Recommendation: FDNY should develop a plan which allows graduates of the Cadet Corps program to take a promotional test for firefighter. This test, offered annually, should also be given in January, allowing adequate time for background investigations prior to graduation from the Cadet Corps the following June.

11. Written Test

Several representatives of the fraternal organizations told EEPC auditors that minorities do not do as well on the written test as Caucasians. This observation is borne out by statistics supplied by FDNY: the pass rate for Caucasians on the written portion of Exam No. 7092 was 91.6%, while the corresponding percentages for African-Americans and women were 61% and 69.5%, respectively. According to the "80%" or "4/5ths" rule contained in the federal government's "Uniform Guidelines on Employee Selection Procedures," these numbers indicate adverse impact. (The pass rate for African-Americans and women is less than 80% of the pass rate for the group with the highest selection rate--Caucasians.) The President of the Vulcan Society also believes that there is no evidence that an applicant who receives a written score of 90% on the written test will be a better firefighter than the applicant who receives a score of 85% (the passing grade for this exam).

Recommendation: The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607. In addition, section VI of the City's Equal Employment Opportunity Policy (issued by the Department of Personnel in 1996) requires that all selection devices be reviewed to determine if they have a disparate impact on protected group members.

12. Test Frequency

Exam No. 7029 (administered in 1999) was given seven years after the last firefighter test (Exam No. 0084). Representatives of the fraternal organizations told EEPC auditors that the time between tests is too long. In his September 28, 1999 testimony before City Council Committee on Fire and Criminal Justice Services, the Fire Commissioner agreed with that view, indicating that "as a result of the discussions with the Mayor and DCAS, we will be moving forward toward a more frequent test." The Commissioner further stated that there should be an open competitive test every two years. This change would prevent candidates--particularly minority and women candidates--from lingering on eligible lists for as long as seven years.

Recommendation: In keeping with the advice of the fraternal organizations and the commitment of the Fire Commissioner, open-competitive exams for firefighter should be held biannually.

13. EEO Tag Line

Several recruitment posters submitted to the EEPC by FDNY (the "dot-guy" poster placed on fire trucks and 2 posters used at athletic events) did not carry the EEO tag line.

Recommendation: Pursuant to section 6 of the City's Equal Employment Opportunity Policy, all firefighter recruitment literature, including recruitment posters, should indicate that the Department is an Equal Opportunity Employer.

14. Training for Physical Exam

The Fire Department recently opened up its training course on Randall's Island to firefighter applicants who passed the written portion of Exam No. 7029. FDNY, however, does not provide training to those applicants for the physical part of the exam. Both the United Women Firefighters and the Vulcan Society do offer training on the physical exam. The President of the United Women Firefighters told EEPC auditors that training for the physical exam is critical to the success of female firefighter applicants. Her organization relies on private donations to provide that service. As mentioned above, the women's group will be dwindling as a result of impending retirements and, consequently, will be less able to offer such training. The Presidents of the Vulcan and Hispanic Societies and the former director of the Office of Employment Initiatives recommend that the Department conduct its own training on the physical portion of the firefighter exam.

Recommendation: The Department should develop and administer a training program for the physical portion of the firefighter exam.

SUMMARY OF RECOMMENDATIONS

1. There should be a year-round recruitment team for each borough. All recruitment teams should include at least one African-American, one Hispanic, one Asian-American and one Caucasian. No less than one recruiter should be a female. (A 1994 EEPC audit recommendation.)
2. The Department should grant five transfer points to field personnel who work as recruiters for at least two years.
3. The Advisory Committee should be fully involved in all firefighter recruitment strategies and related decisions. In addition, management of the Fire Department should meet with the Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign.
4. The Advisory Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society, and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.
5. FDNY should have a designated annual budget to cover all recruitment expenses. This budget, at a minimum, should provide for approximately 25 employees and all Other Than Personnel Services (OTP) expenses.
6. The five point residency bonus should be awarded after firefighter applicants pass the written portion of the exam.
7. Fire Marshals should be authorized to conduct field investigations of the residencies of firefighter applicants and these investigations should be conducted with the intent to remove applicants from the list who defraud the City.
8. Training for CFRD should be included in the Fire Academy curriculum, as it was in the past.
9. FDNY, specifically its Office of Employment Initiatives, should assume prime responsibility for developing and implementing a program or strategy to reduce attrition by applicants in the underutilized groups--minorities and women.
10. The Department should conduct an adverse impact study to determine if the new educational requirement disproportionately screens out members of historically under-represented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607.

11. The Department should retain a consultant to develop the tutorial for the next written firefighter examination. The members of the Advisory Committee should be involved in the selection of that consultant. (A 1994 EEPC audit recommendation.)
12. FDNY should develop a plan which allows graduates of the Cadet Corps program to take a promotional test for firefighter. This test, offered annually, should also be given in January, allowing adequate time for background investigations prior to graduation from the Cadet Corps the following June.
13. The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607.
14. The open-competitive exams for firefighter should be held biannually.
15. All firefighter recruitment literature, including recruitment posters, should indicate that the Department is an equal opportunity employer.
16. The Department should develop and administer a training program for the physical portion of the firefighter exam.

Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to EEPC's follow-up audit of FDNY's recruitment program for Examination No. 7029, we respectfully request your response to the aforementioned preliminary determinations.

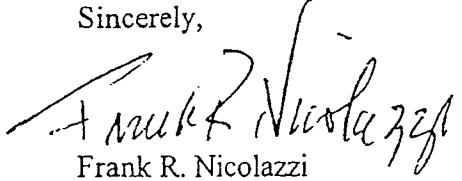
Your response should indicate what corrective actions FDNY will take to comply with EEPC's audit recommendations of October 18, 1994, the City's Equal Employment Opportunity Policy and the Federal government's Uniform Guidelines on Employee Selection Procedures (29 C.F.R. sec. 1607). As you informed us during the exit meeting of March 10, 2000, you have already implemented some of our recommended corrective actions. Please specify those corrective actions in your response. Please forward your response within thirty days of receipt of this letter. Also, forward a copy to Eileen Reilly of the Mayor's Office of Operations.

Pursuant to Section 832 of the New York City Charter, if you do not implement all of the recommendations for corrective action during a compliance period not to exceed six months, this Commission must publish a report and recommend to the Mayor the appropriate corrective actions

that you should implement.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,



Frank R. Nicolazzi
Vice Chairman

Comparison of Exams - Percent Breakdown by Race/Gender

	1991 - FF Exam. No. 0084			1999 - FF Exam. No. 7029		
	Applied for Test	Took Test	Did NOT Take Test	Applied for Test	Took Test	Did NOT Take Test
<u>WHITE</u>						
Number	29,392	23,487	5,905	15,819	12,803	3,016
Percent	73.0%	75.9%	63.5%	69.3%	74.6%	53.2%
<u>BLACK</u>						
Number	3,395	1,995	1,400	2,595	1,724	871
Percent	8.4%	6.4%	15.1%	11.4%	10.1%	15.4%
<u>HISPANIC</u>						
Number	3,736	2,613	1,123	3,067	2,094	973
Percent	9.3%	8.4%	12.1%	13.4%	12.2%	17.2%
<u>ASIAN</u>						
Number	223	165	58	263	178	85
Percent	0.6%	0.5%	0.6%	1.2%	1.0%	1.5%
<u>AMER. INDIAN</u>						
Number	200	152	48	54	37	17
Percent	0.5%	0.5%	0.5%	0.2%	0.2%	0.3%
<u>UNKNOWN</u>						
Number	3,291	2,530	761	1,023	315	708
Percent	8.2%	8.2%	8.2%	4.5%	1.8%	12.5%
<u>TOTAL</u>						
Number	40,237	30,942	9,295	22,821	17,151	5,670
Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
<u>MALE</u>						
Number	37,598	29,711	7,887	21,663	16,618	5,045
Percent	93.4%	96.0%	84.9%	94.9%	96.9%	89.0%
<u>FEMALE</u>						
Number	1,260	675	585	898	473	425
Percent	3.1%	2.2%	6.3%	3.9%	2.8%	7.5%
<u>OTHER</u>						
Number	1,379	556	823	260	60	200
Percent	3.4%	1.8%	8.9%	1.1%	0.3%	3.5%
<u>TOTAL</u>						
Number	40,237	30,942	9,295	22,821	17,151	5,670
Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

EEO BREAKDOWN FIREFIGHTERS EXAM 7029

APPLICANTS

WHITE	15,819
BLACK	2,595
HISPANIC	3,067
ASIAN	263
AMER. INDIAN	54
UNKNOWN	1,023

TOTAL APPLICANTS	22,821
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APPLICANTS WHO TOOK THE EXAM

WHITE	12,803
BLACK	1,724
HISPANIC	2,094
ASIAN	178
AMER. INDIAN	37
UNKNOWN	315

TOTAL WHO TOOK THE EXAM	17,151
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APPLICANTS WHO PASSED THE EXAM (PASSING SCORE=85%)

WHITE	11,731
BLACK	1,053
HISPANIC	1,604
ASIAN	143
OTHER	30

TOTAL WHO PASSED	14,561
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TOTAL FEMALE APPLICANTS	898
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TOTAL FEMALE APPLICANTS WHO TOOKS THE EXAM	473
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TOTAL FEMALE APPLICANTS WHO PASSED THE EXAM	329
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Appendix III

Minority and Women Firefighters in Major American Cities Expressed as Percentage of Total Firefighters 1999

<u>City</u>	<u>African-Americans</u>	<u>Hispanics</u>	<u>Women</u>
New York, NY	2.90%	2.8%	0.33%
Los Angeles, CA	14.0%	30.0%	2.94%
Chicago, IL	20.4%	8.6%	2.29%
Houston, TX	17.1%	13.9%	2.50%
Philadelphia, PA	26.3%	3.2%	0.39%
San Diego, CA	7.7%	15.7%	7.31%
Dallas, TX	18.1%	10.0%	3.91%
San Antonio, TX	7.0%	43.0%	1.53%
San Jose, CA	7.1%	24.9%	5.14%

Source for Minorities: Individual City Fire Departments

Source for Women: Women in the Fire Service (National Organization)



EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK
253 Broadway, Suite 300 • New York, New York 10007
(212) 240-7902 • Fax: 240-4889

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ABRAHAM MAY, JR.
EXECUTIVE DIRECTOR

October 18, 1994

Howard Safir
Commissioner
New York City Fire Department
250 Livingston Street
Brooklyn, New York 11201

Re: Recommendations to Improve the Fire Department Recruitment Program

Dear Commissioner Safir:

In a letter forwarded to you on August 5, 1994, the Equal Employment Practices Commission issued preliminary determinations based on our audit of the Fire Department Recruitment Program for Firefighter Exam #0084. Based on the determination that the recruitment program did not achieve the Fire Department's articulated goal of increasing the number of women and minority applicants for firefighter jobs it was the unanimous position of this Commission that the Fire Department must develop and implement a more effective recruitment program to attract women and minorities.

Pursuant to Section 831 d (8), of the City Charter, this Commission established an Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program on June 20, 1994. (EEPC Resolution #94/01-057). Membership on the Advisory Committee was open to all fraternal organizations in the New York City Fire Department. Leaders of the following fraternal organizations served on the Advisory Committee: Anchor Club #2, Columbia Association, Emerald Society, Hispanic Society, Holy Name Society, Pulaski Society, Saint George Association, Steuben Society, Uniformed Firefighters, United Women Firefighters, Vikings Association, and the Vulcan Society.

The Advisory Committee approved twelve recommendations for improving the Fire

Department Recruitment Program. On Wednesday October 12th, those recommendations were reviewed by this Commission and approved unanimously after minor revisions. Following are the joint recommendations of the Equal Employment Practices Commission and its Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program:

Joint Recommendations

1. The number of recruitment teams should be increased to a minimum of one per borough. All recruitment teams should include one African-American, one Hispanic, one Caucasian and one Asian-American. No less than one recruiter should be a female.
2. The FDNY should provide incentives for firefighters to work as recruiters.
3. The Board of Education, a major vehicle for outreach to youth, should be included in the recruitment program. All participating agencies should work closely with FDNY fraternal organizations and provide a census from which prospective candidates can be drawn.
4. Recruitment sites should be expanded to include more sites frequented by youth and diverse members of the population such as, sports venues, shopping centers, high schools, libraries, colleges, trade schools and adult education centers. Other sites include unemployment offices, religious institutions, military bases and firehouses. Recruitment teams should saturate special events which attract large numbers of youth.
5. The distribution of applications should be broadened. Applications should also be distributed by neighborhood firehouses and a procedure to account for applications distributed should be established. An 800 number should be utilized and highlighted in the recruitment program.
6. Recruitment materials should be designed by a professional marketing or advertising

firm. In addition to written materials other media such as video should be used to reach targeted populations. Written materials should be available in languages other than English where applicable.

7. Recruiters should continue to encourage applicants during the application process through telephone campaigns and informative communiques. Mechanisms for encouraging applicants can be expanded by television advertisements, newsletters; and providing opportunities for applicants to visit the Fire Academy and other Fire Department facilities.

8. The FDNY should establish permanent recruitment sites in all five boroughs, e.g., the Bronx Learning Resource Center, and create bulletin boards at firehouses to display recruitment information to the public.

9. The tutorial program should continue and the fraternal organizations should make recommendations in the selection of the consultant.

10. Recruitment teams should distribute information about tutorial sessions and tutorial guides to all prospective applicants.

11. The FDNY should establish a year-round training facility at the Fire Academy to prepare candidates for the physical exam. This facility should also be available to provide on-going physical fitness programs for current firefighters.

12. The FDNY should establish a Fire Cadet Program similar to the NYPD Cadet Program, to attract future firefighters. The program should target high school juniors.

EEPC Recommendations

Additionally, the Equal Employment Practices Commission recommends:

1. The establishment of a permanent in-house Fire Commissioner Advisory Committee for Recruitment to assist in the implementation of all recommendations for improving the

recruitment program. The Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.

2. To ensure that only New York City resident candidates who took the last firefighter exam will benefit from the five points credit, the Fire Department should request the support of the Department of Personnel to implement a process to guarantee that only residents receive the credit. This process should be the same process implemented by the Department of Personnel to ensure that only resident candidates received five points credit on the police exam.

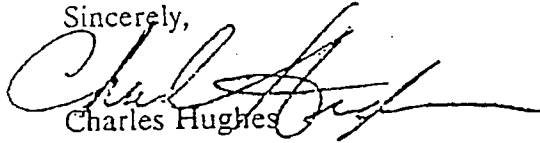
Response

Pursuant to the authority vested in this Commission, we respectfully request your response to our preliminary findings, detailed in our August 5, 1994 letter, and the aforementioned recommendations, within thirty days of receipt of this letter.

Your response should identify all recommendations you intend to implement and any additional corrective actions you plan to take. Please include the projected cost for implementing each recommendation and corrective action. This Commission will support and recommend to the Mayor and City Council, approval of all necessary funding requested to implement these recommendations. We intend to do the same for proposed corrective actions that adequately address the underrepresentation of minority and women firefighters.

This Commission appreciates your participation as an Ex-Officio member of the aforementioned Advisory Committee, and we will continue to work with you to ensure equality of opportunity for women and minorities who work for, or seek employment with, the New York City Fire Department.

Sincerely,

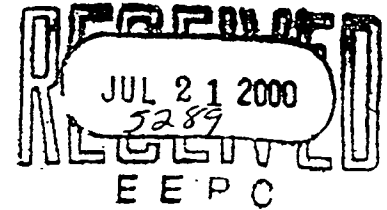

Charles Hughes
Chairman



FIRE DEPARTMENT
9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857

THOMAS VON ESSEN
Fire Commissioner

Suite 8W-6



July 14, 2000

Abraham May, Jr.
Executive Director
Equal Employment Practices Commission
253 Broadway, Suite 301
New York, NY 10007

Dear Mr. May:

We read your audit report with great interest and have reviewed it thoroughly with all of the appropriate parties in the Department. In some cases, we agree with the recommendations, however, we also believe there are factual inaccuracies in the report that we would like to correct. In other areas we find that we differ in our interpretation of the data and have attempted to differentiate our interpretation in our reply.

There are some events that have occurred since you submitted this report to us which have a direct bearing on some of the recommendations you have made.

As I promised, I have worked with the Department of Citywide Administrative Services to push for a two-year test for firefighter. They have agreed to this testing schedule. The first two-year test will be administered in the winter of 2001 and every two years thereafter. In addition, there will be an annual promotional test that will cover cadets and EMS personnel who wish to transition to Firefighter. This will be a very workable model for increasing diversity in the Fire Department given the fact that the current cadet class is about 75% minority.

As you know, we have recruited and hired a new class. They have participated in classroom activities and a physical fitness program and on July 10th were sworn in and began at the EMS Academy at Fort Totten where they will be trained as EMT's. They will then begin work full time as EMT's in EMS in September. A new class will be hired to fill the 127 vacancies and they will follow the same course outline.

EEPC 0375

These cadets have participated in fire safety education class work and have also been an integral part of our fire safety efforts in the field, going door to door providing fire safety literature and smoke detectors in high fatal fire neighborhoods. These are primarily minority neighborhoods and the cadets are also doing recruitment as they perform their fire safety distribution. Along with the recruitment unit, cadets are recruiting right now on their college campuses for the Cadet Program, Emergency Medical Service and the Fire Department itself

Since you did your audit we have also received \$500,000 from the City Council specifically for minority recruitment and since we are about to mount a recruitment effort aimed directly at the for the filing for the new two year test, we intend to work closely with the Council and our advisory committee to make sure their interests are represented in decisions about how to spend the money.

These are our specific responses to your draft report by recommendation.

Recommendations

Recruitment Teams

- 1a. Recruitment teams were deployed geographically and all boroughs were covered. However, as we stated many times to interviewers, the goal of the program was also to identify particular segments of minority populations (in addition to general outreach) who had a chance to score well on both the written and physical.

We targeted these applicants by school, league, gyms, athletic association, social clubs etc. This approach was carried out throughout the five boroughs.

- 1b. We clearly stated that the complement of full time recruiters was increased by the detailing of firefighters throughout the recruitment campaign. On many days and at many events we had 16-20 people working at a time. This point is not reflected.

It is a leap to say that the number of recruiters and their geographic deployment was the causal factor for not attracting a higher percentage of minority candidates. In fact, there was a substantial increase in the percentage of minority candidates who filed to take the test -- from 16% to 25% compared to the last filing period for a firefighter test. This increase in percentage occurred while the total number of applicants was almost cut in half from the previous test.

- 1c. Cadets are going to be used in the field in all five boroughs to do fire safety education, recruitment and mentoring. We have a current cadet class of 127 and they are in the field now recruiting their replacements as they move through the system into EMS on their way to transitioning to the rank of firefighter.

Points

2. There seems to be confusion about point awards. Recruiters are awarded points for doing recruitment. Officers receive five transfer points a year for a minimum commitment of two years for an off the line assignment like recruitment. Firefighters receive two points for a one-year commitment and five points for a two-year commitment. Documentation is attached: FDNY AUC 293 and 297.

Advisory Committee

3. Factual correction must be made. The decision to require college credit was discussed with the Advisory Committee before it was implemented. The committee was informed that the Department was leaning towards requiring 60 credits. The Advisory Committee argued vehemently that 60 credits were too much and that it was an economic disincentive. As a direct result of that discussion, the plan was scaled back to require 30 credits.

We agree we should meet at least quarterly with the advisory committee. We met on June 13 to discuss the newest recruitment efforts. We will continue to meeting quarterly.

Budget

4. We agree we should have a separate line item budget that captures all of our recruitment efforts and personnel, but not necessarily that it should contain 25 people.

Bonus Points

5. The advantages of the bonus point award varies on the selection of the passing grade on the written test. In some cases it could be disadvantageous for the candidate. The advantage or disadvantage of the five-point residency credit depends on what the passing grade is.

- 5b. Use fire marshals to conduct follow up interviews:

We do not have sufficient fire marshal resources to utilize them for background investigators. We would rather use civilian investigators but need an increase in headcount to do it.

6. CFR-D Training

We believe the CFR-D training should be achieved by the time of appointment.

7. Mentoring

Factually incorrect -- we do mentor through the process -- we are calling, encouraging and doing mailings.

8. College Credits

The college credit requirement is half of what the Police and Corrections require. The nature of the job has changed significantly:

- institution of CFR-D medical requirements
- institution of chemical and biological terrorism training
- significant changes in code and inspection protocols that require study
- Most significantly educational requirements for promotion have been instituted and from now on will be required for promotion so the 30 credits will help. Long lead times for achievements have been built into the process.
- We have hired a Director of Training and one of his key initiatives is to acquire life experience and CLEP credit of FDNY training programs

9. Tutorial

Department did conduct tutorial with material derived from a professional consultant (Landry Associates). Fraternalists were consulted and materials were standard as derived from DCAS who outlined 9 areas of expertise on a test. The subject matter is dictated by DCAS. If there is an adverse impact study to be done, it should be by DCAS. Documentation of Landry Associates involvement in test preparation and tutorial is attached.

10. Cadets

There was never any deal with the former Fire Commissioner that allowed for Cadets to pass on to the force without a test. The former Director of Employment Initiatives recruited cadets without having any concept of a curriculum, job performance expectations or job description. EMS service provides minority applicants with permanent employment with benefits in case they fail the written or physical firefighter exam. Councilman Warden asked to make sure there was a pass thru to EMS for just these reasons. As promised, because of the advocacy of the Fire Commissioner with DCAS, the annual promotional exam to firefighter has been instituted.

11. Written Test

DCAS issue/FDNY does not prepare or administer the test. It is a DCAS issue.

12. BI-annual Test

The advocacy of the Fire Commissioner has resulted in DCAS agreeing to administer the Fire Test biannually.

13. EEO Tag Line

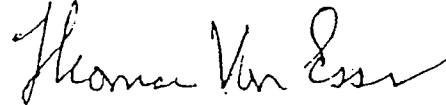
Agree

14. Physical Training

Factually incorrect - FDNY did build a year round training site for the physical and conducts a training prep program.

I appreciate the opportunity to respond to your audit and look forward to working with you in the future as we continue our efforts to provide increased opportunity to diversify the New York City Fire Department.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas Von Essen".

Thomas Von Essen
Fire Commissioner



EQUAL EMPLOYMENT PRACTICES COMMISSION

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Commissioners

Liane Daniels, Esq.
Deputy Director/Counsel

August 21, 2000

Thomas Von Essen
Commissioner
New York City Fire Department
9 Metrotech Center
Brooklyn New York 11201

Re: Your Response to EEPC's Letter of Preliminary Determination Pursuant to the Audit of the Fire Department's Recruitment Program for Firefighter Examination No. 7029 (February, 1999)

Dear Commissioner Von Essen:

Your July 14, 2000 response letter to our May 25, 2000 preliminary determination letter was discussed at length, during the August 10th meeting of this Commission.

One part of our discussion focused on the significant similarity between the draft letter your staff distributed at the March 10, 2000 audit exit meeting and your July 14th response. In fact page 2 of your letter contains the following sentence: These are our specific responses to your **draft report** by recommendation." Our May 25th letter was not a **draft report**.

Another part of our discussion focused on commitments that you made during the March 10th audit exit meeting held in your office and attended by you, your senior staff, and; EEPC Commissioner Manuel Mendez and our senior staff. At that meeting, you committed to implement certain recommendations. In your July 14th letter you reneged on those commitments.

Furthermore, your letter totally ignored one of our recommendations and, partially addressed many of the others. Given these facts, this Commission has determined that your response letter is inadequate and therefore and unacceptable.

Our determination is based on the following facts:

Recommendation # 1

You failed to respond to the recommendation. Will you establish recruitment teams for each borough that will be racially mixed and include female firefighters ?

In defending your recruitment program you cite the "significant increase" in the percentage of minority applicants that filed for Exam # 7029 in comparison to the percentage of applicants that filed for Exam # 0084 (1992). You ignored the significant decrease in the number of applicants that took this Exam compared to the number that took Exam #0084 (4,033 compared to 4,971). The comparative numbers for female applicants were: 473 and 626.

These facts, combined with the results of your own survey of test-takers should be sufficient evidence that the Fire Department Recruitment Program for Exam # 7029 will have a minimal impact on diversity within the New York City Fire Department.

Recommendation # 2

You did respond.

Recommendation # 3

You failed to completely respond to the recommendation. Will the Advisory Committee be involved in the selection of recruitment consultants, development of recruitment literature, issuance of new or revised, pre-employment requirements ?

Recommendation # 4

You totally ignored this recommendation.

Will you establish an Advisory Committee on Recruitment that will consist of a representative of each of the following FDNY organizations: the Vulcan Society, the Hispanic Society, and the United Women Firefighters as well as one representative from each of three other fraternal organizations of your choice ?

During the audit exit meeting you agreed to implement this recommendation.

Recommendation # 5

You partially responded. If the FDNY recruitment unit should "not necessarily" consist of twenty -five people, what is the proposed staffing for the unit ?

Recommendation # 6

Your response is a contradiction.

During the audit exit meeting, you informed Commissioner Manuel Mendez and EEPC staff that you had recently agreed with the U S Department of Justice to establish a pass/fail scoring system for the physical portion of the firefighter examination. Consequently, the five point credit for New York City residents can only be applied to the written portion of the examination.

During that same audit exit meeting you agreed to implement this recommendation.

Recommendation # 7

You partially responded. If you do not assign fire marshals to investigate the residences of firefighter applicants, and the FDNY does not receive the funding necessary to hire investigators for that purpose, how will you ensure that applicants do not defraud the City with false residency claims ?

Recommendation # 8

You partially responded. Will you mandate Certified First Responder With Defibrillation (CFRD) training as a pre-employment requirement for firefighters even if this requirement adversely impacts on your ability to attract minority and female candidates ?

Recommendation # 9

You did not respond to the recommendation. If "calling, encouraging, and doing mailings", is the extent of the FDNY strategy to reduce attrition in the number of female and minority applicants, obviously that strategy is not effective. What else do you intend to do to retain women and minority applicants ?

Recommendation # 10

You did not respond to the recommendation. Will the FDNY conduct an adverse

impact study to determine if the new educational requirement disproportionately screens out members of historically under-represented groups ?

Recommendation # 11

Your response is inadequate. Your May 22nd response to the March 16th letter from Executive Director Abraham May, Jr. included a four page report from SHL Landry, Inc. The report was submitted as proof that the FDNY had secured the services of SHL Landry, Inc. to provide tutorial services to the applicants for Exam # 7029. The date of the report is September 1999; the title is: "Physical Ability Examination For The City of New York Firefighter Examination No. 0084 Final Report : Part II ". As you know, Firefighter Examination # 0084 was administered in 1992, not 1999.

We are still awaiting documentation that supports your position that the FDNY contracted with a consultant to develop a tutorial for Firefighter Exam # 7029.

Recommendation # 12

Your response is inadequate. This recommendation never suggested " a deal" to allow Cadets to become firefighters without passing the examination. Will the FDNY develop a plan which allows Cadet Corps graduates to take the firefighter promotional examination without becoming EMS workers if they so choose ?

Recommendation # 13

Your response is inadequate. The Giuliani Administration's Equal Employment Opportunity Policy requires all mayoral agencies to review all selection devices in order to determine if they have a disparate impact on protected group members (Section VI). The Policy does not require the Department of Citywide Administrative Services to conduct the disparate impact study for your agency.

Recommendation # 14

You did respond.

Recommendation # 15

You did respond.

Recommendation # 16

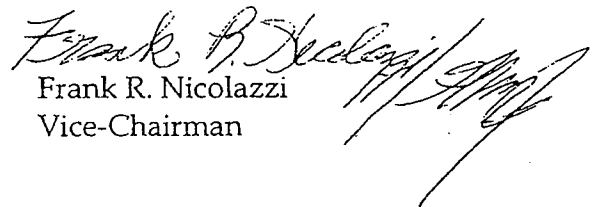
You did respond.

Pursuant to Section 832(c) of the New York City Charter, we request that you provide detailed responses to all of the afore-mentioned recommendations exclusive of Recommendations # 2, # 14, # 15 and # 16. Your response should indicate whether you will implement these recommendations and if not, what alternatives you will take to address them. Please submit your response two weeks from the date of receipt of this letter.

Pursuant to the above-cited Section 832(c), this Commission is authorized to "publish a report and recommend to the mayor whatever appropriate corrective action" we believe is necessary to ensure compliance with the equal employment opportunity requirements of the New York City Charter. If necessary, this Commission will publish a report.

Your timely response would be appreciated.

Sincerely,

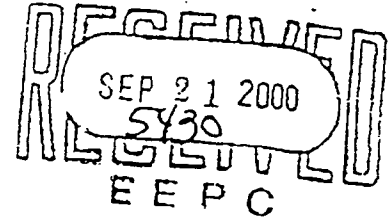

Frank R. Nicolazzi
Vice-Chairman

c: Carl Smith, Esq., City Council
Eileen Reilly, Mayor's Office of Operations

**FIRE DEPARTMENT**

9 METROTECH CENTER - ROOM

BROOKLYN, NEW YORK 11201-3857

THOMAS VON ESSEN
FIRE COMMISSIONER

September 14, 2000

Frank R. Nicolazzi
Vice Chairman
Equal Employment Practices Commission
City of New York
253 Broadway - Suite 301
New York, New York 10007

Mr. Nicolazzi:

Attached is the New York City Fire Department's Agency Implementation Plan relative to the audit of the Fire Department's Recruitment Program. The plan responds to the 16 recommendations outlined in your preliminary determination as transmitted in your May 25th 2000 memo and the subsequent correspondence. As you will note, several of the recommendations relative to exam administration fall outside our area of control. The Department does not agree with those recommendations dealing with emergency medical career paths and pre-appointment qualifications, but agree wholeheartedly with those recommendations relative to solicitation of input and feedback from vital stakeholders. The composition and charter of the Advisory Group will be amended in accordance with your recommendations.

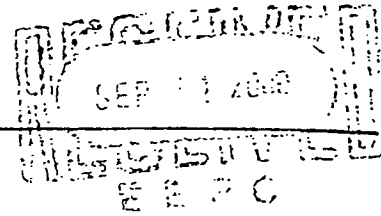
The Department has made significant advancements relative to Equal Employment. Personnel and financial resources have been dedicated to the recruitment unit in a two phased approach. There is dedicated staffing of 13 employees and as special programs are developed and phased in, special resources and teams are allocated. This is the most practical way to manage and maximize resources. The Department's objective is not just to encourage greater volumes of minority candidates to take the exam, but to improve the actual appointment rate. I do not accept the statement that the Department's program will have minimal impact on diversity within the Fire Department. While the sheer number of minority test-takers did not increase, the focus during this last exam had been to identify and encourage those individuals who will successfully pass the written and physical fitness components.

Securing agreement with the Department of Citywide Administrative Services for administration of exams on a more frequent basis and implementation of promotional exams to firefighter from the EMS and Cadet titles are monumental achievements. The role of DCAS is to develop and administer examinations. While the Department has input into the content, DCAS ensures that that content in no way inadvertently negatively impacts a protected group. DCAS also has predetermined methodology for scoring exams and applying residency and other credits.

By working together in a spirit of cooperation, we will continue to improve the diversity within the New York City Fire Department's uniformed force. I hope this information will clarify our program, policy, accomplishments and vision. On behalf of the Department, I thank the Commission for their input, support and efforts relative to this audit.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Von Essen".
THOMAS VON ESSEN
Fire Commissioner**EEPC 0385**



Agency Implementation Plan

AUDIT #:	99-EEPC	AUDIT REPORT ISSUED:	8/31/00
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AUDIT NAME Follow-up Review of the FDNY's Recruitment Program (Exam #7029)

RECOM # RECOMMENDATION

FDNY RESPONSE

- | | | |
|----|---|---|
| 01 | There should be a year-round recruitment team for each borough. All recruitment teams should include at least one African-American, one Hispanic, one Asian-American, and one Caucasian. No less than one recruiter should be a female. | Disagree. The basic recruitment teams are deployed year-round and all boroughs are covered. Teams are not dedicated by boro but rather dispatched on a prioritized basis with resources focused where it is determined that we have optimal chance of reaching our target population of individuals who have a viable chance of successfully completing both the written and physical components of the exam. This includes focus on local colleges and universities, high schools, organized sports and athletic teams and gymnasiums in all 5 boroughs. When assembling teams, either base or special program teams, the Department ensures that the individuals are properly trained, committed and responsive to the audience and the Department's objectives. The Department does not agree that a person's ethnicity should be the determining factor, but is certainly a consideration. The Department continues to strive to assemble multi-cultural teams for recruitment. In addition, all Fire Safety educators, events and programs include recruitment materials. This diverse group of uniform and civilian employees, which include women, conduct approximately 300 events per month. |
| 02 | The Department should grant five transfer points to field personnel who work as recruiters for at least two years. | Implemented. Uniformed personnel who volunteer to work off-the-line in recruitment are awarded points for their service. Firefighters may be granted 2 points for one full year of service; 5 points for 2 years and 9 points for 3 years of service in the recruitment unit or other administrative detail (AUC 297 issued 8/95). Officers who serve at least 2 full years may be granted up to 5 points per year for a maximum of 15 points (AUC 293 issued 12/93). |
| 03 | The Advisory Committee should be fully involved in all firefighter recruitment strategies and related decisions. In addition, management of the Fire Department should meet with the Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign. | Implemented. We agree we should meet at least quarterly with the Advisory Committee. A meeting was held on June 13, 2000 to discuss the newest recruitment efforts. Meetings will continue to be convened on a quarterly basis and the committee will be invited to comment and provide input on recruitment issues such as bid specifications for recruitment consultants and literature. The next meeting is scheduled for September 18, 2000. |

AUDIT #:	99-EEPC	AUDIT REPORT ISSUED:	8/31/00
04	The Advisory Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society, and United Women's Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.	Agree. A standing Advisory Committee exists and members of all fraternal organizations are invited to attend.	
05	FDNY should have a designated annual budget to cover all recruitment expenses. This budget, at a minimum, should provide for approximately 25 employees and all Other than Personnel Services (OTPS) expenses.	We agree we should have a separate line item budget that captures all of our recruitment efforts and personnel, but not necessarily that it should contain 25 people. The Department currently has 13 employees permanently assigned to Recruitment. Additional staff is requested on a term basis for specialized efforts. The Department has received \$500,000 from City Council specifically earmarked to support recruitment activities for the 2001 test..	
06	The five point residency bonus should be awarded after firefighter applicants pass the written portion of the exam.	Not Applicable. The Department of Citywide Administrative Services' policy is to add credits for residency, verteran, or legacy or any other credit to the final adjusted score of an applicant, not the mid-score.	
07	Fire Marshals should be authorized to conduct field investigations of the residencies of firefighter applicants and these investigations should be conducted with the intent to remove applicants from the list who defraud the City.	Disagree. The mission of the Fire Marshals are to do cause and origin investigation for fire activity. The Bureau of Personnel's candidate investigation unit conducts background investigations on all eligibles pending possible appointment from the firefighter list. The residency requirement for test 7029 mandated NYC residence between August 1, 1999 and August 1, 2000. The candidate investigation division has strict criteria for awarding these points. Lack of adequate proof of residence will prevent the candidate from receiving residency credit; any falsification of records would result in disqualification of the candidate. If after appointment, the Department has reason to investigate and finds the applicant misrepresented their residency status, they would be dismissed.	
08	Training for CFR-D should be included in the Fire Academy curriculum, as it was in the past.	Disagree. We believe the CFR-D training should be achieved by the time of appointment.	
09	FDNY, specifically its Office of Employment Initiatives, should assume prime responsibility for developing and implementing a program of strategy to reduce attrition by applicant in the underutilized groups - minorities and women.	Disagree. This is outside the scope of the Fire Department's jurisdiction. Hiring off civil service lists is contingent on attrition and vacancies, which we have little control over. However, as discussed we do have mentoring programs carried out by the Office of Employment Initiatives. Mentoring programs include everything from driving lessons to physical fitness drills for candidates.	

Monday, September 18, 2000

Page 2 of 4

EEPC 0387

AUDIT #:	99-EEPC	AUDIT REPORT ISSUED:	8/31/00
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10	The Department should conduct an adverse impact study to determine if the new educational requirements disproportionately screen out members of historically under-represented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," C.F.R. sec 1607.	Not applicable. DCAS does review changes in eligibility requirements to validate and ensure that they accurately reflect the skills necessary to successfully perform the job duties.
11	The Department should retain a consultant to develop the tutorial for the next written firefighter examination. The member of the Advisory Committee should be involved in the selection for that consultant.	Disagree. The Department does conduct tutorials prior to each examination and engages consultants, when appropriate, to develop, aid, and support that effort. A training program developed by SHL in 1992 was utilized for exam #7029. These materials will also be utilized for the next exam since all three tests covered the same materials and the same areas of knowledge. The program consisted of a study guide, on-site tutorial and televised tutorial. The DCAS and FDNY were responsible for dissemination. The role of the Advisory Committee is to monitor the program, including materials, and to recommend to the Department improvement measures. If the Advisory Committee and the Department seek to engage the services of an outside entity, the Advisory Committee will be involved in the proposal development, evaluation and performance monitoring.
12	FDNY should develop a plan which allows graduates of the Cadet Corps program to take a promotional test for firefighter. This test, offered annually, should also be given in January, allowing adequate time for background investigations prior to graduation from the Cadet Corps the following June.	Agree. The Department is working with DCAS to issue an annual promotion exam that will cover cadets and EMS personnel who wish to transition to firefighter.
13	The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveal that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607.	Not applicable. DCAS conducts a content validation study on all examinations to ensure that the content of the examination was developed to reflect the job functions to be performed. A line item analysis is done on all examinations comparing the performance statistics of minority groups (i.e., Black, Hispanic, Asian, American Indian, and female) against the entire test population. DCAS is currently in discussion with the US Department of Justice about adoption of the IAFF physical examinations format. A consultant is being engaged by DCAS to aid in evaluation of the scoring methodology.
14	The open-competitive exam for firefighter should be held biannually.	Agree. The advocacy of the Fire Commissioner has resulted in DCAS agreeing to administer the Fire Test biannually, with the next exam scheduled for winter of 2001.
15	All firefighter recruitment literature, including recruitment posters, should indicate that the Department is an equal opportunity employer.	Agree

AUDIT #:	99-EEPC	AUDIT REPORT ISSUED:	8/31/00
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16

The Department should develop and administer a training program for the physical portion of the firefighter exam.

Agree. The FDNY did build a year round training site for the physical and conduct a training preparation program.

Monday, September 18, 2000

Page 4 of 4

EEPC 0389

A.O.C. 297
August 27, 1995



POLICY REGARDING ASSIGNMENT AND TRANSFER OF FIREFIGHTER

It is the policy of the Fire Department to assign and transfer firefighters in a manner that will insure optimum levels of service to the public. In the execution of this policy, the needs and convenience of the individual shall be taken into consideration, but the safety and welfare of the public will take priority. In order to provide this level of service, an efficient, capable and experienced firefighting force is necessary. Therefore, it shall be the policy of the Department to assign, reassign and transfer firefighters as deemed appropriate. Recommendations for assignment or transfer shall be processed through the chain of command to the Commissioner.

1. GENERAL

- 1.1 Practical experience and special skills are essential ingredients in the development of Fire Department personnel. Performance on the job should always be considered in making assignments. Therefore, firefighters are subject to assignment, transfer and reassignment, as deemed appropriate by the Commissioner, to insure efficient Department operations.
- 1.2 The Department at times may solicit volunteers who possess special administrative or practical expertise. Firefighters who serve the Department for at least one year under these circumstances as Battalion Firefighters or in units such as the Bureau of Fire Prevention and Bureau of Training, etc., may be granted credits at the discretion of the Fire Commissioner and Chief of Department as follows:

1 year	2 points
2 years	5 points
3 years	9 points



City of New York
253 Broadway, Suite 301 New York, New York 10007
Telephone: (212) 240-7902 Fax: (212) 240-4889

Frank R. Nicolazzi
Vice Chairman

Abraham May, Jr.
Executive Director

Cherée A. Buggs, Esq.
Angela Cabrera
Manuel A. Mendez
Commissioners

Liane Daniels, Esq.
Deputy Director/Counsel

October 31, 2000

Thomas Von Essen
Fire Commissioner
New York Fire Department
9 MetroTech Plaza
Brooklyn New York 11201-3837

Re: Your September 14, 2000 Response Letter

Dear Commissioner Von Essen:

The members of the Equal Employment Practices Commission discussed the referenced response letter (received September 21st) during our recent Commission meeting. An analysis of your response to our audit recommendations as detailed in the referenced letter identified a number of discrepancies that must be resolved before we can complete our audit. Following are some of those discrepancies:

Recommendation #6 Re: Five Point Bonus Credit for NYC Residents

You have provided three different responses to this recommendation. Your initial response was affirmative. The last two, both different, were negative.

Recommendation #8 Re: Training for Certified First Responder With Defibrillation (CFRD)

Should we assume by your response that you will mandate First Responder With Defibrillation (CFRD) training as a pre-employment requirement for firefighters even if the requirement has an adverse impact on minority and female candidates?

Recommendation #9 Re: Program or Strategy to Reduce Attrition Among Firefighter Applicants

In your last response you added new language that this recommendation "is outside the scope of the Fire Department's jurisdiction. Hiring off civil service lists is contingent on attrition and vacancies, which we have little control over".

We do not understand why you raised this issue since the focus of the audit recommendation is on recruitment.

Recommendation #10 Re: Conducting an Adverse Impact Study for College Credit Requirement

Your response is in direct conflict with the City's Equal Employment Opportunity Policy (EEOP). Section VI(A)(2) of the EEOP requires the agency (i.e. the FDNY) to conduct the adverse impact study, not the Department of Citywide Administrative Services (DCAS).

Recommendation #11 Re: Consultant for the Tutorial for the Next Written Firefighter Examination

In your July 14th response you said you retained a consultant firm (Landry Associates) to develop tutorial material for the last exam. In your last response you said the consultant was retained for the 1992 exam. Your current answer implies there is no need for a consultant.

Did you or did you not retain Landry Associates to develop a tutorial for the 1999 Firefighters Exam? Will you or will you not, retain a consultant for the next exam?

Recommendation #13 Re: Adverse Impact Study for Written Examination

Once again your response conflicts with the requirements of the City's Equal Employment Opportunity Policy (EEOP). The aforementioned section of the EEOP requires the agency (i.e. the FDNY) to conduct the study.

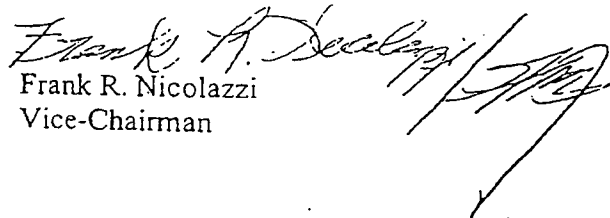
Recommendation #16 Re: Training Program for the Physical Portion of Firefighter Examination

In your response you said that the "FDNY did build a year round training site for the physical and conduct a training preparation program." However, the leaders of the FDNY fraternal organizations that we met with said that the FDNY made the training site available to applicants but their organizations-not the FDNY-conducted the pre-exam physical training. Did they?

Given these discrepancies, the members of this Commission would like to meet with you in order to clarify them. Executive Director Abraham May, Jr. will call your office next week to schedule the meeting.

We want to bring this audit to closure. We are confident that you want the same. Therefore, we look forward to a fruitful meeting.

Sincerely,


Frank R. Nicolazzi
Vice-Chairman

EQUAL EMPLOYMENT PRACTICES COMMISSION

MINUTES OF THE MEETING

Thursday, December 19, 2000

COMMISSIONERS PRESENT

Frank R. Nicolazzi, Vice-Chairman
Chereé A. Buggs, Esq.
Angela Cabrera
Manuel A. Méndez

EEPC STAFF PRESENT

Abraham May, Jr., Executive Director
Liane Daniels, Esq., Deputy Director/Counsel
Sheshe Segar, Administrative Assistant
Eric Matusewitch, Senior EEO Auditor

OTHERS PRESENT

Commissioner Thomas Von Essen, NYC Fire Department
Deputy Commissioner Lynn Tierney, NYC Fire Department
Lieutenant Sheldon Wright, NYC Fire Department

I CALL TO ORDER

Vice-Chairman Frank R. Nicolazzi called to order the 74th meeting of the Equal Employment Practices Commission at 10:30 AM.

II APPROVAL OF THE MINUTES

It was moved by Commissioner Mendez and seconded by Commissioner Buggs that the minutes of the October 19th meeting be approved.

RECESS/RE-CONVENE

The Commission took a five minute break and re-convened the meeting.

VII SUMMARY REPORT ON THE PUBLIC HEARING ON RETALIATION

Mr. May distributed copies of the proposed recommendations from the public hearing on Retaliation.

After reviewing the recommendations the Commission approved them by consensus.

VIII MEETING WITH FIRE COMMISSIONER THOMAS VON ESSEN

Vice-Chair Nicolazzi welcomed Fire Commissioner Thomas Von Essen and his staff (Deputy Commissioner Lynn Tierney and Lieutenant Sheldon Wright) to the Commission meeting. He then asked Executive Director May to initiate the discussion on the audit issues.

Mr. May said the Commission would like to discuss the following points raised in its October 31st 2000 letter.

Recommendation # 6 Re: Application of five points credit for New York City residents.

Mr. May said: last March during our meeting you said the FDNY is planning to use pass/fail scoring for the physical examination. Therefore you would implement the 5 point credit at the end of the written exam since you could only apply the credit at the end of the written exam. In your response to EEPC's letter of preliminary determinations there was a significant change in your position. Why?

Fire Commissioner Von Essen said that what he said at that time was absolutely true, at that time. He had worked on a pass/fail physical examination from ten other cities, with the Association of Firefighters and the Association of Fire Chiefs from ten other cities and the Department of Justice. Everybody thought that would be the best thing for everybody in our city and the department. However, during conversations with the Department of Citywide Administrative Services (DCAS) they were reminded that in the 1970's there was a lawsuit by the Vulcans, an organization that represents African-American firefighters, that said there was a disparate impact with a pass/fail physical for African-American men. DCAS

therefore was not convinced that the FDNY should switch to a pass/fail physical since it would have a worse impact and create a bigger problem. It might help women candidates but it would have a more negative impact on African-American men. DCAS will maintain the present scoring system for the next physical exam and get a consultant to look at the pass/fail scoring system and the whole bit. He said he thought it was resolved for the rest of the nation, but it would be different in NYC. He thought they had simplified it but DCAS said they didn't and in their own way DCAS will figure it out.

Mr. May asked if DCAS eventually determines that a pass/fail test is doable in NYC, how would the FDNY recommend that DCAS handle the 5 point credit?

Commissioner Von Essen said then the Commission's recommendation makes sense: it's the only way to do it. Right now he thinks it actually works out better the way it is. The present system works out better if the resident gets the 5 points added to the average, and it works out better added at the end. If there is no combined score of course it should be added to the written examination which of course is the EEPC's recommendation, which the FDNY would comply with if there was a pass/fail physical.

In response to Mr. May's statement that with the 5 point credit the end of the written exam by definition you reduce the number of candidates that can reach the physical, Commissioner Von Essen said he does not think it would happen with the present group. It happened in the past when 30,000 people applied, but the present number is 17,000.

Lieutenant Wright said he didn't think that would be helpful. It might raise and someone at the lower end of the spectrum might pass the written examination and more of them would take the physical but their average score would still be so low that it wouldn't help them.

The Fire Commissioner said he would never add 5 points to someone who didn't pass the exam. That would make no sense. If a person had 5 points less than a passing mark he would not give them the 5 points. You are saying add it to the passing mark, right?

Mr. May said if a person takes the written exam and gets an 85, chances are he/she may not get to the physical exam.

Lieutenant Wright said if they pass the written exam they will take the physical exam. D/C Tierney said once a passing grade is established on the written exam, everybody is invited to take the physical exam. Mr. May said that's his point. The 100 people who scored 80 would get 5 point because they are NYC residents. Now they have a score of 85 so they

would be invited to take the physical.

In response D/C Tierney said if you set the passing grade at 84, then you are awarding points to people who did not meet the passing grade. If you set the passing grade at 85, 85 is the cut off point and what you are suggesting is that you then go down to people who got an 80 and bring them up to 85. Mr. May disagreed.

Deputy Director/Counsel Daniels said she doesn't think everyone understands because if everyone who gets a certain grade takes the physical and the 5 points can't be used to bring them up to that grade then the 5 points credit by definition is going to come at the end anyway.

Mr. May said that under the current system it comes at the end. The question was if you give the 5 points at the written exam stage whatever the passing score is. Everybody takes the exam and the scores are laid out. If you make a decision to give the 5 points at that point, the end of the written exam, you look down the list and everybody who is a NYC resident will get an additional 5 points. Is that what happens.

Provided they passed the exam. You have to get a passing mark in order to get 5 points, the Fire Commissioner said.

Then Mr. May said OK, the passing mark is at 85 so everybody at 85 and above who is a NYC resident will get an additional 5 points. And everybody who got 80 does not get the 5 points.

Commissioner Von Essen said that's correct because they have failed the test. They never get below 84 when you do your selection for the physical and if they get under 84 they don't get an opportunity to take the physical.

In response to a question from Commissioner Cabrera, Lieutenant Wright said the passing grade is established after considering the number of people that you are potentially going to hire, and the size of the applicant pool. All but 2,000 people on the last test passed the written examination, and 17,000 people passed out of about 22,000.

Commissioner Mendez said the 5 points enhances NYC residency because that is what the whole spirit of the thing is at the point of appointment. Because they have gone through the physical, gone through the written and they get 5 points because they live in New York City.

Mr. May then said the person who scores 84 gets an additional 5 points because of his NYC residency and now has 89 and gets called for the physical with the person on the list who has 89 although he didn't get an extra 5 points because he lives elsewhere. Commissioner Von Essen said that is correct.

Recommendation # 8 Re: CFRD Training

Mr. May informed Commissioner Von Essen that the Commission is concerned that even if requiring candidates to pay for CFRD training has an adverse impact on minorities and female candidates, it is still the intention of the FDNY to proceed with the requirement.

The Fire Commissioner said yes, he wants to do it. It is a tremendous cost for the FDNY to train everybody for First Responder w/ Defibrillation certification. The FDNY is moving towards getting more candidates from EMT's because the Certified First Responder Certificate is going to be more difficult to get as time goes by. We really want to get more people to come in from the EMS side. They are all EMT's and paramedics and that would provide really cross-trained firefighters.

He said the FDNY would like to figure out a way if a person has passed the physical, got their 5 points, and are getting close to be on our list and they can't afford CFRD training, he would rather pay for CFRD training for the people who can't afford it on their own. He does not believe it will have as big an impact as some people think. Every candidate now needs college credits, attending any community college you can get a CFRD certificate. It can be part of your college program. If you are going to college and you are economically disadvantaged you have figured out ways to make that happen whether it is through loans, grants or financial aid. We want people that are motivated, people who want the job. This is part of the job just like the college credits and we think that we can get them.

Not all the community colleges have CFRD training but several do, he continued. He then said that the FDNY hired an educational director about a year ago. He has a PhD from the Board of Education and will develop a whole educational program that goes from candidate right through to chiefs. The FDNY will have better input in the exams. In 2007 the Battalion chief has to have a BA. The FDNY is raising the bar and he wanted to start at the candidate level. If we make exceptions for candidates not having college credits it breaks down the program he is trying to establish. These guys are terrific men he said but they are too narrow in their views. There is tunnel vision and he thinks education will help.

In response to a question from Commissioner Buggs about CFRD training, Lieutenant Wright said that during the physical exam a list of all the sites where candidates can get

CFRD training is posted. There is also a number you can call, 999-FDNY. REMSCO, the Regional Emergency Medical Association lists all the courses for EMT and CFRD certificate in the state.

D/C Tierney said that colleges that offer this training are doing notifications and, entrepreneurial establishments have also sprung up. FDNY's fraternal organizations are working towards sponsoring CFRD training at very reduced costs and that can get their constituents into CFRD training.

Commissioner Buggs asked Fire Commissioner Von Essen how much would it cost for the FDNY to provide CFRD training. He said he did not know, it would depend on how many kids could not afford it themselves. He would be willing to pay for training if there is a candidate having financial difficulties. Lieutenant Wright said the cost could be anywhere from \$350.00 up to \$700.00.

The Fire Commissioner said if a candidate has to go to a separate place to get CFRD Training and he doesn't have the money, he will arrange to pay for the training. But he doesn't have any ideas what it would cost.

When asked if CFRD Training was part of the firefighter's training program previously, Commissioner Von Essen said he was the union leader when the FDNY was trying to implement it. He negotiated a deal to support it and make it happen but the FDNY had to provide it as overtime and provide more hours than necessary. Now he is trying to figure out ways to get around the things he created then. He negotiated 96 hours but only 56 hours are needed. But he is locked into all the things that he negotiated when he was the union head. Probationary fire school was extended four weeks to give all of the new candidates CFRD Training. The FDNY will no longer provide CFRD training. The cost was in the millions but he forgot exactly how much. It included 5 or 6 people doing 100 hours of training on overtime.

He said training was extended four weeks in order to get about 100 hours of CFRD training. It has since been reduced down to 9 or 10 weeks. Nine weeks instead of 13 weeks is saving a lot of money.

The REMSCO requirement or state department requirement was 56 hours for CFRD Training. State certification for CFRD training is very strict. It requires training, hands on, and an examination; it's 3 parts. The FDNY couldn't do it that way otherwise we would have. We would have saved money doing that. Lieutenant Wright said CFRD training has tremendous liability issues, so you have to stick to the state procedures.

The Fire Commissioner said the state is talking about doing away with CFRD and moving towards the EMT certificate itself with a difibulator period. The FDNY is sort of a hybrid with a Certified First Responder with a Difibulator (CFRD). The state monitors the providers. Most of the providers hire firefighters as instructors. When we hire an EMT, we go over all his training.

Recommendation # 9 Re: Strategies to reduces attrition among firefighter applicants.

Mr. May said, your response was totally confusing. The Fire Commissioner read the following prepared response: "The Department takes an active role but it is not, and should not, be our prime responsibility as indicated by your report. We believe that all concerned groups must forge together. We as a city agency have constraints on information availability and privacy concerns which cannot and should not be compromised. However we do our best to identify and work with all minority candidates on the list."

D.C Tierney said if we confused you that was not intended. We laid out pretty clearly all of the mentoring efforts that we have and our activities to try and reduce attrition. We do maintain contact with all applicants right from the time they are identified. We have mailings to them regularly. We have follow-up phone calls by the female association. I worked closely with the Vulcans, shared lists with them and I think it was some of the points that we had discussed the last time. I don't know if that's confusing at this point.

The Fire Commissioner asked what should the FDNY be doing that it is not doing

Mr. May said in terms of attrition, we asked specifically what strategies you are implementing and when we met we discussed some of those strategies. We wanted to know what else you were doing.

Lieutenant Wright said the best way to prevent attrition is to put them in contact with someone in the FDNY. Every time you have contact with someone, at each stage of the process you have a better chance of retaining them. When we mail out and we have a tutorial program people come in, we identify them. We know who they are and we can put them in contact with the fraternal organization. We get their names and telephone numbers. When they show up for the physical preparation program, we see them again. We put them in contact again. What we are doing now is going through the entire list of everyone who signed up, who are now on the list to be a firefighter. We do a survey and we are using our resources most effectively by starting where there is the greatest need. We intend to call everyone on the list. We are surveying them now. We have identified them, we know who

they are. We are calling people and asking them: "How did you do on the test, how are you doing in the process. Again we utilize our resources to start where we have the greatest need. We are calling women, Hispanics, Asians, the blacks first, but we intend to call everyone on the list and every time we have a contact with that person you have a better chance of retaining them. So those are sort of strategies that we implement.

Mr. May asked if this is something that just happened or was it done in the past. The Lieutenant said he can only speak from his tenure and the list for exam # 7029. He then said that he was at the Vulcans last fraternal meeting and is scheduled to go to the Hispanic fraternal meeting the last Monday in January. He also spoke with the Women Firefighters Association. He made a concerted effort to send these promotes back to firehouses in their community because the best recruiter is someone on that rig. in that uniform, people who were cadets and now are firefighters. He said he's a recruiter and getting a little older. But when you see a kid on the rig that's in his or her 20's, in that uniform, that is a powerful statement that you just can't buy. Those are the sort of things that we are doing.

D'C Tierney said we have gone far beyond mailings and letters and hand holding. We have taught people how to drive, how to take their drivers exam. You are taking people who are going into a course and need a drivers license. There are many people who live in families where nobody has had a car and everybody has used public transportation.

In response to a question from Commissioner Buggs, Lieutenant Wright said a mentor is someone who knows something about the department and is going to keep in contact with the person. The fraternal organizations involvement is a huge part of it. If you want to keep young people interested get them to a fraternal party; that's what works. You have them involved in the fun stuff of the fire department, basketball, football games, and advances. They can make money and have fun too. Putting them in contact with the fraternal organizations is a huge part of the mentoring process.

Responding to a question about privacy concerns, D'C Tierney said in trying to reach out you are also trying not to put anybody else at a disadvantage. In trying to reach out to one group you have to make sure that you reach out to all the groups so targeting people off the list without making it a general range of information and putting everybody in touch with their groups is a concern. We have to make sure that we are reaching out across the board. When we did the physical orientation training at the physical site we were in touch with everybody on the list and then we worked with fraternal organizations to do additional training with groups and made space available to them and they ran the training themselves. We have to have an across the board opportunity for everybody to participate.

Commissioner Buggs said she didn't see any privacy issues arising in the mentoring program. D/C Tierney said it would be more of an issue if we didn't involve everybody. If you solely targeted one group for special opportunities.

Fire Commissioner Von Essen said hypocrisy drives him nuts. We don't need to help the Italian, Irish and Germans. We need to help the minorities that don't have any advocates in the department. There is no trouble getting everybody else in the FDNY but you have to have opportunity for everybody. It muddies the water for us and you can't find out if a person is a minority because it is not allowed. These groups don't have an army of advocates within the department. We saw that with the applications. We use to bring the applications to the firehouses and where do you think they went. They went to all the volunteer fire houses on Long Island and upstate. We stopped doing that. The Columbians don't need our help telling their fellow Italian-Americans how to get this job. They've got thousands of Italian guys telling them. The black kids need our help because there are no black guys telling them how great the job is. The numbers stink and that is why we look so bad.

Recommendation # 10 Re: Adverse impact study of the college credit requirement.

Mr. May said: this recommendation specifically addresses the issue of the small number of minorities within the fire department. We recommended an adverse impact study on the college credit requirement because we thought that requiring applicants to have 30 college credits may adversely impact on the pool of candidates, especially minority and female candidates. Your response was that the adverse impact studies should be done by the Department of Citywide Administrative Services. The City's EEO policy requires the agencies to conduct adverse impact studies.

D/C Tierney said the language in this section that you cite talks about the devices that are used and the devices that are used in the tests and that DCAS is the agency that is responsible for doing the test and as we said to you in our response, we don't disagree that an adverse impact study should be done, we agree. DCAS should do it. they have a whole formula and system. I'm not sure if you have spoken to them but have they done the adverse impact studies on the fire department test. Many studies are conducted as they relate to the test.

The Fire Commissioner said are we talking about an adverse impact study on the test that DCAS administers or on the FDNY educational requirements. Mr. May said the recommendation addresses the college credit requirement.

Commissioner Von Essen said the FDNY doesn't write the test but it did implement

this new requirement because it was the most important. Now we're supposed to do an adverse impact study on that requirement, he asked.

Ms. Daniels read directly from the EEO Policy. "The agency will exam devices used to select candidates for employment to determine whether they adversely impact on any particular group." That is a device, requiring a certain number of college credits, she said. It is a device, it is not just a test.

D/C Tierney said DCAS talked about the test and they talked about this term here "device" as being a test. Their interpretation of device in my understanding is that it was a test, a measure. College credits did not come up in this discussion. You are extending the definition of device to the application requirements.

Ms. Daniels said DCAS is narrowing the definition of "device" just to the actual exam.

D/C Tierney said that is open to interpretation. The FDNY followed the same route that the police, corrections and many other entities have followed in adding college credits for our applicants.

Mr. May asked if the FDNY added college credit requirements because the police and corrections have done it? Ms. Tierney said no, like the police and corrections the FDNY established college credits in order to bring applicants in at a level necessary for them to perform the duties of the job. The job has changed, we've added college credits.

Ms. Daniels said the EEOC, which sets the standards for this defines something such as college requirements as a test or device that must be studied for an adverse impact. Any pre-employment requirement is considered a device so I don't know where DCAS is getting its information. D/C Tierney said she did not have a conversation with DCAS about college credits as a device. We did not have that discussion.

Mr. May said the issue that we raised is that we see this as a device that can have an adverse impact on minorities and women candidates. D/C Tierney asked if that was based on studies that have been done that show that. Mr. May said no, we look at it as a criteria. Since the candidate must have 30 college credits, our question to you as the employer is have you looked at that as potentially having an adverse impact. We are not saying that it does we are asking you have you looked at it procedurally.

Commissioner Von Essen said no. Mr. May said the Commission recommends that

the FDNY look at.

The Fire Commissioner said we have to look at it after this process. How would we know it has an adverse impact until we go through it and then compare it to the last test.

Ms. Daniels asked is that something that you are going to do. Obviously you have to select the appropriate time to do the analysis. We are trying to devise the responsibility and the requirement for doing such a study. The Fire Commissioner said we will have to find somebody to help us with that.

EEO Senior Auditor Eric Matusewitch said the federal government has issued a technical standard for determining adverse impact. There is an actual statistical formula with the 4/5 or 80% rule. If the test results for the minority group is less than 80% of the majority group then there is an adverse impact. Under those rules the employer then has to do validation studies to determine if those requirements were in fact valid.

The Fire Commissioner asked if that works for DCAS tests. Mr. Matusewitch said yes.

The Fire Commissioner then asked how does that work for a requirement that says you need 30 college credits.

Mr. Matusewitch said the question would be does it screen out a disproportionate amount of one group verses another group. For minority groups you have to look at the educational attainment of those groups and compare them with the majority group.

In response to D'C Tierney's question if other agencies have initiated adverse impact studies, Mr. May said the Commission has not audited the police and correction departments recruitment programs yet but that is the first issues EEPC will look at.

The Fire Commissioner said the FDNY will conduct the adverse impact study. He then said you have to be careful when it comes to numbers because numbers may not be good. There may be numbers that say one did not get into probee school and they're unsuccessful, and there you have a higher number of success with a lower number of people.

Ms. Daniels said this is an analysis in two parts. First you do the statistics and then you do the validation. For example you may find that certain groups are disproportionately squeezed out, but is it valid. The second part of the study shows that you have to have this requirement nevertheless because it's linked to performance. So you keep the requirement

anyway.

The Fire Commissioner said now we are asking people to take on medical work that they never had to study before. I think you need more of an academic discipline to do it. The job has changed. We are involved with hazardous chemicals and materials. The job is moving away from just being a tough gorilla to being a person who has brains in addition to strength.

Recommendation # 11 Re: Consultant to develop a tutorial for the Firefighter's Exam.

Commissioner Von Essen said the written exam material was not changed between 1992 and 1999. The tutorial materials developed for the 1992 examination was also used in the 1999 tutorial.

D/C Tierney said we have discussed that and stated very clearly that it was the same test. The same nine points of the nine areas of knowledge, same points the consultant Lawdry Associates was hired to do when they constructed the first test. The areas of knowledge did not change. The tutorial stuff we provided you with was exactly the same, different covers, updated and cleaned up.

Mr. May said that the previous response clearly stated the FDNY contracted with Lawdry Associates for both the 1992 and 1999 examinations. That response was not accurate. D/C Tierney apologized for the confusion.

Conclusion.

There being no further questions. Vice-Chairman Nicolazzi thanked Commissioner Von Essen and his staff for their time and input.

IX ADJOURNMENT

There being no further business, the meeting was adjourned at 1:30 PM.



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

253 Broadway, Suite 301 New York, New York 10007

Telephone: (212) 240-7902 Fax: (212) 240-4889

Frank R. Nicolazzi
Vice-Chairman

Angela Cabrera
Manuel A. Méndez
Commissioners

Abraham May, Jr.
Executive Director

Eric Matusewitch, PHR, CAAP
Deputy Director

December 11, 2002

Nicholas Scoppetta
Commissioner
New York City Fire Department
9 MetroTech Center
Brooklyn, New York 11201

Re: Final Determination Pursuant to the Follow-Up Audit of the New York City Fire Department's Recruitment Program for Examination No. 7029 (February 27, 1999).

Dear Commissioner Scoppetta:

Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) was required to monitor Audit Compliance by the New York City Fire Department (FDNY) pursuant to our Audit of your Department's Recruitment Program for Examination No. 7029 (February 27, 1999). The goal of monitoring is to ensure that the FDNY implements all of the recommended corrective actions.

On May 25, 2000 we issued our Letter of Preliminary Determination. On July 14, 2000 you issued your Response. On August 21, 2000, Vice-Chairman Frank R. Nicolazzi issued a letter informing you that at the March 10, 2000 audit exit meeting the FDNY had committed to implement certain recommendations, however, in the July 14th Response the FDNY reneged on those commitments. We then requested a Response indicating whether or not you would implement those recommendations and if not, what alternatives you would take to address them.

On September 14, 2000 we received your second Response. On October 31, 2000, Vice-Chairman Nicolazzi issued another letter informing you of various discrepancies in your second Response and requesting a meeting to discuss those discrepancies. We met on December 19, 2000 to discuss those issues.

On March 8, 2001 we met with the FDNY's newly appointed EEO Officer and her staff to present informally, our final determination pursuant to your Response. At that meeting we discussed your responses and identified the documentation required to demonstrate that FDNY has implemented the recommended corrective actions to meet the compliance standards of the

EEPC 0406

City's EEOP and Chapters 35 and 36 of the New York City Charter. The agreed upon compliance period was from April through September 2001.

On October 18, 2001, in response to the World Trade Center Disaster, this Commission voted unanimously to suspend Audit Compliance until further notice. At that time the FDNY had submitted four out of six Monthly Compliance Reports.

On June 20, 2002, this Commission voted unanimously to resume Audit Compliance. The sixth and Final Report was due on September 13, 2002. FDNY submitted (via fax) an unofficial report on the due date. However, on September 20, 2002, we received your request for a one-month extension of the compliance period to allow you to address the outstanding corrective actions. This Commission granted the extension. The seventh and Final Compliance Report was then due on Wednesday, October 9, 2002 and was received the official Report on October 29, 2002.

Throughout the compliance period several correspondences were made between your EEO Office and this Commission to assist you in implementing the required corrective actions. During that period, your EEO Officer submitted seven Monthly Compliance Reports detailing your agency's efforts to implement the required corrective actions.

Commission staff has prepared, and submitted to this Commission for review, a Summary Compliance Report detailing your agency's response to all of the recommendations for corrective actions that your agency was required to address. The Commission also reviewed your final Monthly Compliance Report

FINAL DETERMINATION

Implementation of Corrective Actions

Based on our review of the Summary Compliance Report and your Final Report, this Commission has determined that the New York City Fire Department has complied with, or EEPC has accepted FDNY's responses to, the following recommendations:

Recommendation #2

The Department should grant five transfer points to field personnel who work as recruiters for at least two years.

Recommendation #4

The Advisory Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society, and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.

Recommendation #5

FDNY should have a designated annual budget to cover all recruitment expenses. This budget, at a minimum, should provide for approximately 25 employees and all Other Than Personnel Services (OTPS) expenses.

Recommendation #6

The five-point residency bonus should be awarded after firefighter applicants pass the written portion of the exam.

Recommendation #7

Fire Marshals should be authorized to conduct field investigations of the residencies of firefighter applicants and these investigations should be conducted with the intent to remove applicants from the list who defraud the City.

Recommendation #8

Training for CFR-D should be included in the Fire Academy curriculum, as it was in the past.

Recommendation #11

The Department should retain a consultant to develop the tutorial for the next written firefighters' examination. The members of the Advisory Committee should be involved in the Selection of that consultant.

Recommendation #12

FDNY should develop a plan, which allows graduates of the Cadet Corps program to take a promotional test for firefighter. This test, offered annually, should also be given in January, allowing adequate time for background investigations prior to graduation from the Cadet Corps the following June.

Recommendation #14

The open-competitive exam for firefighters should be held biannually.

Recommendation #15

All firefighter recruitment literature, including recruitment poster, should indicate that the Department is an equal opportunity employer.

Recommendation #16

The Department should develop and administer a training program for the physical portion of the firefighters' exam.

Recommendation #17

The Commissioner of the FDNY should disseminate an agency-wide memo to discuss audit findings.

Non-Implementation of Corrective Actions

This Commission finds that the New York City Fire Department has failed to implement the following recommendations:

Recommendation #1

There should be a year-round recruitment team for each borough. All recruitment teams should include at least one African American, one Hispanic, one Asian American and one Caucasian. No less than one recruiter should be a female.

FDNY Response:

The Department stated that it continues to strive to assemble multi-cultural teams for recruitment on a year round basis. The present recruitment team includes persons of races and genders as specified in the recommendation. FDNY stated that the recruitment team changes on a daily basis and that it could not provide a breakdown of race and gender because it would not be accurate.

EEPC Response:

The FDNY is in partial compliance with this recommendation. The FDNY said that the recruitment team is year round. This Commission requested the race and gender breakdown of the recruitment team. To date the FDNY has not provided this information.

Recommendation #3

The Advisory Committee should be fully involved in all firefighter recruitment strategies and related decisions. In addition, management of the Fire Department should meet with the Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign.

FDNY Response:

The FDNY said that they have implemented this recommendation. The last meeting of the advisory committee was held on August 19, 2002. The FDNY said that over the last several months the Commissioner, Deputy Commissioner for Administration, and Assistant Commissioner for EEO have met with the Vulcan Society, Hispanic Society and United Women Firefighters Association on separate occasions to discuss, among other matters, the strategy and operations of the Recruitment Unit. Meetings will continue to be held on a quarterly basis and the committee will be invited to comment and provide input on recruitment issues.

EEPC Response:

The FDNY has given no indication that the Advisory Committee is fully involved in all firefighter recruitment strategies and related decisions. The Commission requested verification in the form of a sign-in sheet, agenda, minutes or memo-to-file for the quarterly meetings. However, the FDNY said that no documentation was kept of the meeting. Documentation was not submitted.

Recommendation #9

FDNY, specifically its Office of Employment Initiatives, should assume prime responsibility for developing and implementing a program or strategy to reduce attrition by applicants in the underutilized groups-minorities and women.

FDNY Response:

The FDNY said that the Recruitment Unit with the assistance of various fraternal associations will encourage, orient and train potential candidates as well as create, maintain and track a database of potential candidates for information and continuous follow-up. The Recruitment Unit will also work with various organizations to assist in training and mentoring women candidates.

EEPC Response:

This Commission requested documentation on all its mentoring activities. The Department has yet to submit this information.

Recommendation #10

The Department should conduct an adverse impact study to determine if the new educational requirement disproportionately screens out members of historically under-represented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures."

FDNY Response:

The FDNY said that while it believes that the college requirement is relevant, they are giving the recommendation of conducting an adverse impact study ongoing consideration.

EEPC Response:

FDNY has not implemented this recommendation or provided a satisfactory alternative.

Recommendation #13

The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures."

FDNY Response:

The Fire Department said that it is giving this recommendation ongoing consideration.

EEPC Response:

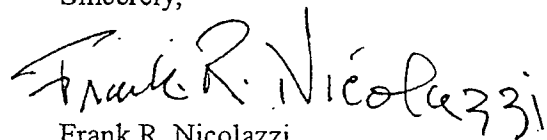
FDNY has not implemented this recommendation or provided a satisfactory alternative.

Conclusion

Pursuant to Chapter 36 of the New York City Charter, we request your response to this Letter of Final Determination within thirty days, detailing your intention to implement the outstanding corrective actions. Based on your response this Commission will establish a post-compliance period of no more than sixty days for the implementation of these outstanding corrective actions. If after the compliance period, the Commission determines that you have not taken appropriate and effective corrective action, this Commission shall notify you in writing of this determination and the Commission may thereafter publish a report and recommend to the Mayor whatever appropriate corrective action(s) the Commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the New York City Charter.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Frank R. Nicolazzi". The signature is written in a cursive, slightly slanted style.

Frank R. Nicolazzi
Vice-Chairman



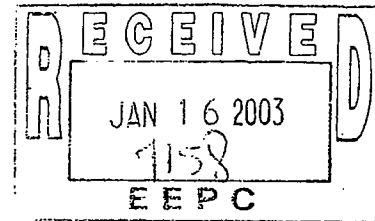
FIRE DEPARTMENT
9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857

PAULETTE LUNDY
Assistant Commissioner
Equal Employment Opportunity

Room 4E-3
(713) 999-2048

January 14, 2003

Abraham May, Jr.
Executive Director
Equal Employment Practices Commission
253 Broadway, Suite 301
New York, New York 10007



Dear Mr. May:

Enclosed, please find the Fire Department's response to the EEPC's Final Determination of the Audit concerning its Recruitment Program for Examination 7029.

If you have any questions, please feel free to contact me at 718-999-2048.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Paulette Lundy".
Paulette Lundy

cc: Douglas White
Deputy Commissioner

Enc.

EEPC 0413



FIRE DEPARTMENT
9 METROTECH CENTER BROOKLYN, N.Y. 11201-3057

NICHOLAS SCOPPETTA
Fire Commissioner



January 14, 2003

Abraham May, Jr.
Executive Director
Equal Employment Practices Commission
253 Broadway, Suite 301
New York, New York 10007

Dear Mr. May:

I am writing in response to your December 11, 2002 Final Determination of the Audit concerning the New York City Fire Department's Recruitment Program for Examination 7029. I am pleased to learn that the Equal Employment Practices Commission (EEPC) has approved and accepted the many corrective actions implemented by the Fire Department. To follow-up on some of the actions considered outstanding by the EEPC, I have outlined some information below.

Recommendation #1

There should be year-round recruitment team for each borough. All recruitment teams should include at least one African American, one Hispanic, one Asian American and one Caucasian. No less than one recruiter should be a female. ✓

FDNY Response

As previously stated, the Recruitment Unit is a dynamic unit and the composition therein changes on a daily/monthly basis. For your convenience, attached is a partial list of events along with the ethnicity/race and gender of the recruitment unit personnel who hosted the events/ presentations. See Attachment A.

Recommendation #3

The Advisory Committee should be fully involved in all firefighter recruitment strategies and related decisions. In addition, management of the Fire Department should meet with the Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign. ✓

EEPC 0414

FDNY Response

The last Advisory Committee meeting was held on August 19, 2002. An additional meeting was scheduled for December 5, 2002, after the scheduled written exam for firefighters on November 23, 2002. The December 5th meeting was cancelled due to the extension of the deadline for filing for the firefighter exam on October 31, 2002, and the written exam on December 14, 2002. A meeting of the Advisory Committee has been scheduled for January 30, 2003 at 2:00pm. A copy of the memo-to-file regarding the August 19, 2002 Advisory Committee meeting is attached. See Attachment B

Recommendation #9

FDNY, specifically its Office of Employment Initiatives, should assume prime responsibility for developing and implementing a program or strategy to reduce attrition by applicants in the underutilized groups-minorities and women.

FDNY Response

The Office of Recruitment and Diversity Initiatives is primarily responsible for developing and implementing a program to reduce attrition and has devised an "Attrition Prevention Plan" to respond to the attrition by applicants in the underutilized groups – minorities and women. Documents that summarize the "Attrition Prevention Plan, Mentoring Activities and various recruitment related activities are attached. See Attachment C.

Recommendation #10

The Department should conduct an adverse impact study to determine if the new educational requirement disproportionately screens out members of historically underrepresented groups. If the study reveals such disparate impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures."

FDNY Response

The Fire Department has not yet made a final determination concerning this study.

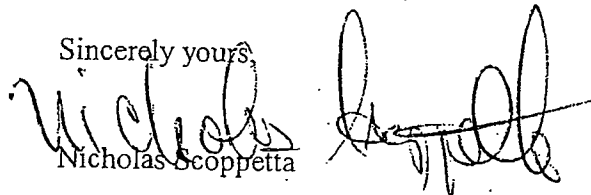
Recommendation #13

The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's guidelines on Employee Selection Procedures."

FDNY Response

The Fire Department has not yet made a final determination concerning this study.

Sincerely yours,


Nicholas Scoppetta

cc: Douglas White, Deputy Commissioner
Paulette Lundy, Assistant Commissioner

EEPC 0415

ATTACHMENT A

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
8/1/02	Brower Park	Hispanic	man
8/1/02	Brower Park	Black	Man
8/3/02	Block Party	Black	Man
8/3/02	Jamaica Music Festival	Black	Man
8/3/02	Jamaica Music Festival	Hispanic	man
8/3/02	Black Family Reunion	Black	Man
8/3/02	Block Party	White	Woman
	Block Party & Office		
8/3/02	Sidewalk	Black	Man
8/3/02	Summer Sidewalk Office	White	Woman
8/3/02	Jamaica Music Festival	White	Woman
8/3/02	Jamaica Music Festival	White	Woman
8/3/02	Faith Assembly Church	Black	Man
8/3/02	Jamaica Ave Street Festival	Black	Man
8/3/02	Basketball Chinatown	Asian	Man
8/3/02	Jamaica Ave Street Festival	White	Man
8/4/02	Black Family Reunion	Black	Man
8/4/02	Black Family Reunion	Black	Man
8/4/02	Bronx PR Parade	Hispanic	man
8/4/02	Junction Blvd	Hispanic	Man
8/4/02	Black Family Reunion	Black	Man
8/4/02	Halem Bike Tour	Black	Man
8/4/02	Bronx PR Parade	Hispanic	Man
8/4/02	Harlem Bike Tour	Black	man
8/4/02	Junction Blvd	white	woman
8/4/02	Halem Bike Tour	White	Man
8/5/02	MLK Concert Series	Black	Man
8/5/02	MLK Concert Series	Black	Man
8/6/02	National Night Out	Black	Man
8/6/02	National Night Out	Hispanic	Man
8/6/02	National Night Out	Black	Man
8/6/02	National Night Out	Black	Man
8/6/02	Urban League	Black	Man
8/6/02	National Night Out	Black	Woman
8/7/02	Vulcan	Black	Man
8/8/02	Chinatown	Asian	Man
8/8/02	CDCS Career Fair	Black	Woman
8/9/02	ENY Church	Black	Man
8/10/02	Staten Island Mall	Black	Man
8/10/02	Pathmark Mall	Black	Man
8/10/02	Dance Theater of Harlem	Black	Man
8/10/02	Women's Boxing	Hispanic	man
8/10/02	Dragon Boat Races	Asian	Man
8/10/02	Dance Theater of Harlem	Black	Man
8/10/02	Dance Theater of Harlem	Black	Man
8/10/02	Women's Boxing	Black	Woman
8/10/02	Panamerica Festival	White	Woman
8/11/02	Pathmark Mall	Black	Man
8/11/02	Rucker Basketball	Black	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
8/11/02	Rucker Basketball	Hispanic	Man
8/11/02	Panamerica Festival	White	Woman
8/11/02	Panamerica Festival	black	man
8/11/02	Rucker Basketball	Hispanic	Man
8/11/02	Dragon Boat Races	Asian	Man
8/11/02	Rucker Basketball	Black	Woman
8/12/02	The Door	Black	Man
8/12/02	MLK Concert Series	Hispanic	Man
8/12/02	MLK Concert Series	Black	Man
8/13/02	Urban League	Black	Man
8/13/02	Hispanic Society	Black	Woman
8/14/02	Vulcan Presentation	Black	Man
8/15/02	Women Presentation	White	Woman
8/15/02	Hunter College	Black	Man
8/15/02	Women Presentation	Black	Woman
8/15/02	Women Presentation	White	Woman
8/15/02	Women Presentation	White	Woman
8/17/02	Street Fair	Black	Man
8/17/02	Hip Hop Parade	White	Woman
8/17/02	Hip Hop Parade	Black	Man
8/17/02	East River Housing	Black	Woman
8/18/02	Christian Cultural Center	Black	Man
8/18/02	Washington Ave. Street Fair	Black	Man
8/18/02	135th St.	Black	Man
8/18/02	Christian Cultural Center	Hispanic	Man
8/18/02	Washington Ave. Street Fair	Black	Man
8/18/02	MSG Game	Black	Woman
8/19/02	MLK Concert Series	Black	Woman
8/19/02	Wingate Park	Black	Man
8/19/02	Seminar	Black	Woman
8/20/02	Christian Cultural Center	Black	Man
8/21/02	Vulcan Presentation	Black	Man
8/21/02	News E. 273	Asian	Man
8/23/02	Bronx Worker	Hispanic	Man
8/23/02	Muslim Org	Black	Man
8/23/02	Urban League	Black	Man
8/24/02	Dedication for Ff	Black	Man
8/24/02	Bailey Pond Park	Black	Man
8/24/02	Block Party	Black	Man
8/24/02	Green Acres Mall	Black	Man
8/25/02	St Paul's Church	Black	Man
8/25/02	Orchard Beach	Black	man
8/25/02	St. Pauls Baptist	Black	Woman
8/25/02	Green Acres Mall	Black	Man
8/25/02	St Jeromes Festival	White	Woman
8/25/02	St Paul's Church	Black	Woman
8/27/02	NYC Church of Christ	Black	Man
8/27/02	NYC Church of Christ	Black	Man
8/27/02	Green Acres Mall	Black	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
8/27/02	Hispanic Society	Hispanic	man
8/27/02	Hispanic Society	Black	man
8/28/02	Deliveries	Black	Man
8/28/02	Phone Bank	Black	Woman
8/28/02	Vulcan Presentation	Black	Man
8/29/02	Green Acres Mall	Black	Man
8/29/02	Green Acres Mall	Black	Woman
8/29/02	Green Acres Mall	White	Woman
8/29/02	Green Acres Mall	Black	Man
8/29/02	Phone Bank	Black	Woman
8/29/02	Green Acres Mall	black	man
8/29/02	Green Acres Mall	Black	Woman
8/30/02	Ft Hamilton	Hispanic	Man
8/31/02	Grace Baptist Church	Black	Man
8/31/02	Grace Baptist Church	Black	Man
8/31/02	Pathmark Mall	Black	Man
8/31/02	Ingresoll Housing	Black	Man
8/31/02	Grace Baptist Church	Black	Man
8/31/02	Street Fair	White	Woman
8/31/02	Grace Baptist Church	Black	Man
8/31/02	Ingresoll Housing	Black	Man
8/31/02	St Jeromes Festival	White	Woman
8/31/02	Chinese Baptist	black	man
8/31/02	Chinese Baptist	Black	Woman
9/1/02		Black	Man
9/1/02	S.I. Path Mark	Black	Man
9/1/02	Kings Plaza	Black	Man
9/1/02	Kings Plaza	WHite	Woman
9/1/02	Kings Plaza	Black	Man
9/1/02	Phone Bank	Black	Woman
9/2/02	Labor Day Parade	Black	Man
9/2/02	Marcus Garvey Park	Black	Man
9/2/02	West Indian Day Parade	Black	Man
9/2/02	Queensboro CC	Black	Man
9/2/02	Labor Day Parade	Black	Man
9/2/02		Black	Man
9/3/02	Camp Smith	White	Woman
9/3/02	Baptist Church	Black	Man
9/3/02	Brooklyn College	Black	Man
9/4/02		Hispanic	Man
9/4/02		Asian	Man
9/4/02	College Recruitment	Black	Man
9/5/02	Hunter College	Black	man
9/5/02	Queensboro CC	Asian	Man
9/5/02	Queensboro CC	Black	Man
9/5/02	Queens Plaza	Hispanic	Man
9/5/02		Hispanic	Man
9/5/02	TB Testing	White	Man
9/5/02	NYC Tech.	Hispanic	Man
9/5/02	Camp Smith	Black	Woman
9/6/02	BMCC College	Black	man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
9/6/02	Queens Center Mall	Hispanic	man
9/6/02	Forest Hills HS	Hispanic	Man
9/6/02		Hispanic	Man
9/6/02	NYC Tech.	Hispanic	Man
9/6/02	BMCC College	Hispanic	Man
9/7/02	Harlem State Bldg.	Black	Man
9/7/02	Vanderbilt Street Fair	Black	Man
9/7/02	116th & Lex	Hispanic	Man
9/7/02		Asian	Man
9/7/02	Kings Plaza	black	Man
9/7/02	Marcus Garvey Park	Black	Man
9/7/02	Rent-A-Wear	Hispanic	Man
9/7/02		White	Man
9/7/02	Kings Plaza	Black	Man
9/7/02	Phone Bank	Black	Woman
9/7/02	Kings Plaza	White	Woman
9/7/02	TB Testing	White	Man
9/7/02	Christian Faith Tabernacle	Black	Man
9/7/02	Baptist Church	Black	Man
9/7/02	West Point	Black	Woman
9/8/02	Abyssinian Church	Black	Man
9/8/02	Council Festival	black	Man
9/8/02	Abyssinian Church	White	Man
9/8/02	Womens Seminar	Black	Woman
9/8/02	Latino Parade	White	Woman
9/8/02	Abyssinian Church	Hispanic	Man
9/8/02		White	Man
9/8/02	Kings Plaza	Black	Man
9/8/02		Black	Man
9/8/02	Council Festival	Black	Man
9/8/02	Latino Parade	Black	Man
9/8/02	Abyssinian Church	Black	Woman
9/9/02	York College	White	Man
9/9/02	NYC Tech.	Black	Man
9/10/02	Bronx CC	Black	Man
9/10/02	John Jay College	White	Woman
9/10/02	Urban League	Black	Man
9/10/02	Brooklyn College	Hispanic	Man
9/10/02		Hispanic	Man
9/10/02		White	Man
9/10/02	John Jay College	White	man
9/10/02	The Door	Black	Woman
9/11/02	Vulcan Presentation	Black	Man
9/12/02	College of Staten Island	Black	Man
9/12/02	Marcus Garvey Park	Black	Man
9/12/02	Womens Seminar	White	Woman
9/12/02	BMCC College	Black	man
9/12/02	Bronx CC	Hispanic	man
9/12/02		Black	man
9/12/02	NY Technical College	Black	man
9/12/02	Phone Bank	Black	Woman

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
9/12/02	Queens Library	White	Woman
9/12/02	The Door	Black	Man
9/12/02		White	Man
9/12/02	Phone Bank	Black	Woman
9/13/02	9 Metrotech	Black	Man
9/13/02	Green Acres Mall	Black	Man
9/13/02	Parsons & Jamaica	Asian	Man
9/13/02	Green Acres Mall	White	Woman
9/13/02	Green Acres Mall	Black	Man
9/13/02	Broadway East NY	Hispanic	Man
9/13/02		Hispanic	Man
9/13/02		White	Man
9/14/02	Forest Avenue Pathmark	Black	Man
9/14/02	S.I. Path Mark	Black	Man
9/14/02	Back-to-School Expo	Black	Man
9/14/02	Fulton & Nostrand	Black	Man
9/14/02		Black	Man
9/14/02		Hispanic	Man
9/14/02	Kings Plaza	White	Man
9/14/02	Fulton & Nostrand	Black	Man
9/14/02		White	Man
9/14/02	Kings Plaza	Black	Man
9/14/02	Womens Seminar	Black	Woman
9/15/02	Green Acres Mall	Black	Man
9/15/02		Black	Man
9/15/02	Green Acres Mall	Black	Man
9/16/02	Davidson Community Ctr	Black	Man
9/16/02	York College	White	Woman
9/17/02	BMCC College	Black	Man
9/17/02	Lehman College	Hispanic	Man
9/17/02	NYC Tech.	Black	Man
9/17/02	NY Technical College	Black	Man
9/17/02	Lehman College	Black	Man
9/17/02		Black	Man
9/17/02		Hispanic	Man
9/18/02	York College	White	Woman
9/19/02	Press Conference	Asian	Man
9/19/02	Press Conference	White	Woman
9/19/02		Hispanic	Man
9/19/02	Press Conference	Asian	man
9/19/02	Press Conference	Black	Man
9/19/02	Press Conference	Black	Man
9/20/02		Hispanic	Man
9/20/02	Kings Plaza	Black	Man
9/21/02	Green Acres Mall	Hispanic	Man
9/21/02	BMCC-KISS FM	Black	Man
9/21/02	Atlantic & 88th Street Park	White	Woman
9/22/02	African Day Parade	Black	Man
9/22/02	Kings Plaza	White	Woman
9/22/02	Harlem Parade	Black	Man
9/22/02	African Day Parade	Black	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
9/22/02	African Day Parade	Black	Man
9/22/02	African Day Parade	Black	Woman
9/22/02	AME Church	Black	Man
9/22/02	African American Parade	Hispanic	Man
9/22/02	African American Parade	Black	Woman
9/22/02	African American Parade	Black	Man
9/22/02	Recruitment Duties	Black	Man
9/22/02	AME Church	Hispanic	Man
9/22/02		Hispanic	Man
9/22/02	African American Parade	Black	Man
9/22/02	Green Acres Mall	White	Man
9/22/02	African American Parade	Black	Man
9/22/02	African American Parade	Black	Man
9/22/02	AME Church	Black	Man
9/22/02	Korean Day Parade	Asian	Man
9/22/02	Chinatown	Asian	Man
9/22/02	Hispanic Parade	Hispanic	Man
9/22/02	African Ameri	Black	Man
9/23/02	St. Albans Library	Black	Man
9/23/02	York College	White	Woman
9/23/02	Recruitment Classes	Hispanic	Man
9/23/02	Queens College	White	Man
9/23/02	City College	Black	Man
9/23/02	Women in the Fire Service	Black	Woman
9/23/02	Recruitment Duties	Black	Man
9/23/02	Green Acres Mall	White	Man
9/23/02		Black	Man
9/23/02	Open Competitive	Black	Man
9/24/02		Black	Man
9/24/02	Queens College	Hispanic	Man
9/24/02	BMCC College	Black	Man
9/24/02	Chinatown	Black	Man
9/24/02	Bronx Community College	Black	Man
9/24/02	Recruitment Duties	Black	Man
9/24/02	Brooklyn College	Hispanic	Man
9/24/02		Hispanic	Man
9/24/02	Green Acres Mall	White	Man
9/24/02	John Jay College	White	Man
9/24/02	John Jay College	White	man
9/24/02	Queensborocollege	Black	Man
9/24/02	Recruitment Paperwork	Black	Woman
9/25/02	Bmcc College	Black	Man
9/25/02	Hispanic parade	Hispanic	Man
9/25/02	Harlem Hispanic Society	Hispanic	Man
9/25/02	Green Acres Mall	White	Man
9/25/02	john Jay College	Hispanic	Man
9/25/02	Vulcan Society Presentation	Black	Man
9/25/02	CityTech	Black	Man
9/25/02	Queens Library	Black	Woman
9/26/02	Recruitment	Black	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
9/26/02	City College	Black	Man
9/26/02	Thomas Edison HS	Black	Man
9/26/02	BMCC College	Black	Man
9/26/02	Hostos College	Hispanic	Man
9/26/02	Non Traditional	Black	Woman
9/26/02	City College	Hispanic	Man
9/26/02		Hispanic	Man
9/26/02	Sunset Park	Asian	Man
9/26/02	York College	White	Woman
9/26/02	Open Competitive	Black	Woman
9/27/02	Open Competitive	White	Woman
9/27/02	ENY/Broadway Juntion	Black	Man
9/27/02	Open Competitive	White	Woman
9/27/02	Women in the Fire Service	Black	Woman
9/27/02	Staten Island Ferry	Hispanic	Man
9/27/02		Hispanic	Man
9/27/02	Green Acres Mall	White	Man
9/27/02	Jamaica Ave Train Station	Black	Man
9/27/02	Queens College	White	Man
9/27/02	Green Acres Mall	Hispanic	Man
9/27/02	Queens Library	Black	Woman
9/28/02	Kings Plaza	White	Woman
9/28/02	Rotary Club	Black	Man
9/28/02	Health Fair	White	Man
9/28/02	Kings Plaza	Black	Man
28-Sep	Yankee Stadium	Black	Man
9/28/02	Breast Cancer Awareness	Black	Woman
9/28/02	Recruitment Duties	Black	Man
9/28/02	Green Acres Mall	White	Man
9/28/02	Health Fair	Black	Man
9/28/02	senior center	Hispanic	Man
9/28/02	Queens Library	Black	Woman
9/29/02	Green Acres Mall	White	Man
9/29/02	Islamic Parade	Black	Man
9/29/02	Islamic Parade	Black	Man
9/29/02	Green Acres Mall	Black	Man
9/29/02	Green Acres Mall	Black	Man
9/29/02	Chinatown	Asian	Man
9/29/02	Green Acres Mall	White	Woman
9/29/02	Green Acres Mall	White	Woman
9/29/02	Green Acres Mall	White	Man
9/29/02	Muslim Day Parade	Hispanic	Man
9/29/02	Green Acres Mall	Black	Man
9/29/02	Sunset Park	Asian	Man
9/29/02	Sunset Park	Asian	Man
	Recruitment Seminar		
9/30/02	Scheduling	White	Man
9/30/02	China Town	Asian	Man
9/30/02	Recruitment Seminar	White	Man
10/1/02	China Town	Asian	Man
10/1/02	Grand Christies	Asian	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
10/1/02	John Jay College	White	Man
10/1/02	Hispanic Radio Station	Hispanic	Man
10/1/02	Hispanic Radio Station	Hispanic	Man
10/1/02	Elmhurst Queens	Asian	Man
10/1/02	Elmhurst Queens	Asian	Man
10/1/02	Hispanic Channel 41	Hispanic	Man
10/1/02	Hispanic TV	Hispanic	Man
10/1/02	Recruitment Office Work	Black	Woman
10/1/02	John Jay College	White	Man
10/1/02	Chinatown	Asian	Man
10/1/02	China Town	Asian	Man
10/2/02	Recruitment Supervision	White	Man
10/2/02	Vulcan Society Presentation	Black	Man
10/2/02	Recruitment Office Work	Black	Woman
10/2/02	Recruitment Supervision	White	Man
10/3/02	Recruitment Supervision	White	Man
10/3/02	HQ/Recruitment	Black	Man
10/3/02	Recruitment Office Work	Black	Man
10/3/02	Training for Tutorial	Black	Man
10/3/02	Hispanic Channel 41	Hispanic	Man
10/3/02	Training for Tutorial	Hispanic	Man
10/3/02	Vulcan Society Presentation	Black	Man
10/3/02	Green Acres Mall	Black	Man
10/3/02	Training for Tutorial	White	Woman
10/3/02	Training for Tutorial	Asian	Man
10/3/02	9 Metrotech Ctr	Asian	Man
10/3/02	Training for Tutorial	White	Woman
10/3/02	Training for Tutorial	Hispanic	Man
10/3/02	Training for Tutorial	Hispanic	Man
10/3/02	Training for Tutorial	Hispanic	Man
10/3/02	Training for Tutorial	White	Woman
10/3/02	Recruitment Supervision	White	Man
10/3/02	Training for Tutorial	Asian	Man
10/3/02	Training for Tutorial	Asian	Man
10/4/02	Training for Tutorial	Hispanic	Man
10/4/02	Jamaica & Archer	Hispanic	Man
10/4/02	BQE Racquetball Club	Asian	Man
10/4/02	BQE Racquetball Club	Asian	Man
10/4/02	BQE Racquetball Club	Asian	Man
10/4/02	BQE Racquetball Club	Asian	Man
10/5/02	Heath Fair 151st & 186th Ave.	Hispanic	Man
10/5/02	Health Fair 1st & 136th Ave.	Hispanic	Man
10/5/02	Parsons & Jamaica	Asian	Man
10/5/02	Jamaica & Archer	Asian	Man
10/5/02		Hispanic	Man
10/5/02	Green Acres Mall	Hispanic	Man
10/5/02	Green Acres Mall	Hispanic	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
10/5/02	151 W. 113th & 125th St.	Black	Man
10/6/02		Hispanic	Man
10/6/02	Crossroads Tabernacle	Hispanic	Man
10/6/02	Green Acres Mall	White	Man
10/6/02	Green Acres Mall	Hispanic	Man
10/7/02	BQE Racquetball Club	Asian	Man
10/7/02	Supervise Members	White	Man
10/7/02	Fordham Rd & Grand Concourse	Black	Man
10/8/02	Manhattan Mall	Hispanic	Man
10/8/02	John Jay College	Black	Man
10/8/02	Rockerfeller Center	White	Man
10/8/02	Supervise Members	White	Man
10/8/02	Queensboro College	Hispanic	Man
10/8/02	33rd St. Mall	Black	Man
10/9/02	City College	Black	Man
10/9/02	Manhattan Mall	Hispanic	Man
10/9/02	Brooklyn College	Black	Man
10/9/02	Laguardia College	White	Woman
10/9/02	John Jay College	White	woman
10/9/02	Medgar Evers	White	Man
10/9/02	Cadet Corps	White	Man
10/9/02	Medgar Evers	Black	Man
10/9/02		Black	Man
10/9/02	Prospect Hgts.	Black	Man
10/10/02	City College	Black	Man
10/10/02	Manhattan Mall	Hispanic	Man
10/10/02	Vulcan Society Presentation	Black	Man
10/10/02	GrandConcourse	Hispanic	Man
10/10/02	ENY/Broadway Juntion	Black	Man
10/10/02	Queens College	White	Man
10/10/02	Queens College	White	woman
10/10/02	Green Acres Mall	White	Man
10/11/02	Kings Plaza	black	Man
10/11/02	Staten Island Ferry	Black	Man
10/11/02	Queens Mall	White	w
10/11/02	Green Acres Mall	White	Man
10/11/02	Green Acres Mall	Hispanic	Man
10/12/02	Staten Island Ferry	Black	Man
10/13/02	Green Acres Mall	White	Man
10/13/02	Latin Day Parade	Hispanic	Man
10/13/02	Hispanic Day Parade	Hispanic	Man
10/13/02	Hispanic Day Parade	Hispanic	Man
10/13/02	Queens Mall	White	w
10/13/02	Schomberg Recruitment Seminar	Black	Man
10/13/02	Green Acres Mall	Black	Man
10/13/02	Shomberg /Kiss FM Recruitment	Black	woman
10/15/02	BQE Racquetball Club	Asian	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
10/15/02		White	Man
10/15/02	John Jay College	White	Man
10/15/02	John Jay College	White	Man
10/15/02	John Jay College	Black	Man
10/15/02	John Jay College	Black	Man
10/15/02	Recruitment Mailing	Black	Woman
10/16/02	John Jay College	White	Man
10/16/02	Medgar Evers	Black	Man
10/16/02	Medgar Evers	White	Man
10/16/02	York College	White	Woman
10/16/02	Medgar Evers	Black	Man
10/16/02	Recruitment Office Work	Black	woman
10/17/02	Queensboro College	Hispanic	Man
10/17/02	Womens Seminar	White	woman
10/17/02	Fordham Rd & Grand Concourse	White	Man
10/17/02	Queens College	White	Woman
10/17/02	Fordham Rd & Grand Concourse	Black	Man
10/17/02	GrandConcourse	Black	Man
10/17/02	Laguardia College	Black	Man
10/17/02	Womens Seminar	Black	Woman
10/18/02	BQE Racquetball Club	White	Man
10/18/02	165th St & Jamaica Ave.	Hispanic	Man
10/18/02	BQE Racquetball Club	Asian	Man
10/18/02	14th Street Union Square	White	Woman
10/18/02	Womens Seminar	Black	Woman
10/18/02	Green Acres Mall	White	Man
10/19/02	14th Street Union Square	Black	Man
10/19/02	Green Acres Mall	Hispanic	Man
10/19/02	Kings Plaza	Asian	Man
10/19/02	Green Acres Mall	Hispanic	Man
10/19/02	Queens Ctr. Mall	Black	Man
10/19/02	Green Acres Mall	Black	Man
10/20/02	Prepared Curriculum for Training	White	Man
10/20/02	Queens Mall	White	Woman
10/20/02	Kings Plaza	Hispanic	Man
10/20/02	Green Acres Mall	Hispanic	Man
10/20/02	Queens Mall	White	
10/20/02		Black	Man
10/20/02	Kings Plaza	White	Man
10/20/02	Black Psychologist Society	Black	Man
10/20/02	Green Acres Mall	Black	Man
10/20/02	Kings Plaza	White	Man
10/20/02	Black Psychologist Society	Black	Woman
10/21/02	Cadet Corps	White	Man
10/21/02	Mailing	Black	Man
10/21/02	Bronx Community College	Asian	Man
10/21/02	Recrutment	Black	Woman
10/21/02	Flushing HS		

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
10/21/02	Mailing	White	Man
10/21/02	Recruitment Paperwork	Black	Woman
10/22/02	Supervise Members	White	Man
10/22/02	Queens College	White	Woman
10/22/02	York College	Black	Man
10/22/02	Recruitment	Black	Man
10/22/02	Mailing	White	Man
10/22/02	Jamaica	Hispanic	Man
10/22/02	Queens College	Black	Man
10/22/02	Recruitment Paperwork	Black	Woman
10/23/02	Cadet Corps	White	Man
10/23/02	John Jay College	Black	Man
10/23/02	John Jay College	White	Man
10/23/02	John Jay College	White	Woman
10/23/02	Mailing	White	Man
10/23/02	Brooklyn College	Black	Man
10/23/02	Recruitment Paperwork	Black	Woman
10/24/02	Metrotech	White	Woman
10/24/02	Firefighter Instructor Test Prep	White	Man
10/24/02	Metrotech	White	Woman
10/24/02	Woman Seminar	White	Woman
10/24/02		White	Woman
10/24/02	St Francis College	Black	Man
10/24/02	Mailing	White	Man
10/24/02	Recruitment Paperwork	Black	Woman
10/25/02	GrandConcourse	Hispanic	Man
10/25/02		White	Man
10/25/02	Green Acres Mall	Asian	Man
10/25/02	Queens Mall	White	Woman
10/25/02	Green Acres Mall	Black	Man
10/25/02	Recruitment	Black	Man
10/26/02	Kings Plaza	Black	Man
10/25/02	Green Acres Mall	White	Man
10/25/02	Recruitment Paperwork	Black	Woman
10/26/02	Green Acres Mall	White	Man
10/26/02	Green Acres Mall	Black	Man
10/26/02	Green Acres Mall	Hispanic	Man
10/26/02	Green Acres Mall	Asian	Man
10/26/02	Kings Plaza	Black	Man
10/26/02	Metropolitan Pavilion		
10/26/02	Womens Event	Hispanic	Man
10/26/02	Kings Plaza	White	Man
10/27/02	Finalize Week & Training		
10/27/02	Education	White	Man
10/27/02	Concord Baptist Church	Black	Man
10/27/02			
10/27/02	Health Fair 1st & 136th Ave.	Hispanic	Woman
10/27/02	Marcy Ave. Church	Hispanic	Man
10/27/02	Green Acres Mall	Black	Man
10/27/02	Kings Plaza	White	Man

Unit Events - Personnel - Race Gender

Date	Event	Ethnicity	Gender
10/27/02	Concord Baptist Church	Black	Woman
10/28/02	Recruitment Office Work	Black	Man
10/28/02	Cadet Corps	White	Man
10/28/02	Metrotech Classes	Hispanic	Man
10/28/02	Laguardia College	White	Woman
10/28/02	Cadet Corps	Black	Woman
10/28/02	Queens	White	Man
10/28/02	Recruitment	White	Man
10/28/02	Recruitment Office Work	Black	Woman
10/29/02	Recruitment Supervision	White	Man
10/29/02	Queens College	White	Woman
10/29/02	Canarsie H.S	Black	Man
10/29/02	Queens College	White	Woman
10/29/02	John Jay College	White	Man
10/29/02	Recruitment Office Work	Black	Woman
10/30/02	Cadet Corps	White	Man
10/30/02	Woman Seminar	White	Woman
10/30/02	Kings Plaza	Black	Man
10/30/02	John Jay College	Black	Man
10/30/02	John Jay College	Black	Man
10/30/02	Woman Seminar	White	Woman
10/30/02	Tutorial Class	Black	Woman
10/30/02	York College	Black	Man
10/30/02	York College	White	Man
10/30/02	Woman Seminar	White	Woman
10/30/02	York College	White	Man
10/30/02	Recruitment Office Work	Black	Woman
10/31/02	Recruitment Office Work	Black	Man
10/31/02	Green Acres Mall	Black	Man
10/31/02	Kings Plaza	White	Woman
10/31/02	Recruitment Unit	Black	Man
10/31/02	Recruitment Office Work	Black	Woman

ATTACHMENT B

ADVISORY COMMITTEE MEETING
AUGUST 19, 2002
MEMO TO-FILE

On August 19, 2002, a meeting was held of the Advisory Committee for Recruitment.

Those in attendance were:

Paul Washington and Mike Marshall	Vulcan Society
William Whelan	Emerald Society
Miguel Ramos	Hispanic Society
Thomas Ryan	Fire Flag – EMS – NY
Philip Parr	FDNY Chief Recruiter
Tarece Johnson	FDNY Director of Diversity Initiatives
Douglas White	FDNY Dep. Commissioner of Administration

The following organizations were invited to the meeting:

- VULCAN SOCIETY
- HISPANIC SOCIETY
- UNITED WOMEN FIREFIGHTERS
- COLUMBIAN SOCIETY
- EMERALD SOCIETY

The meeting began with Deputy Commissioner Douglas White discussing the efforts of the recruitment unit in the campaign. Deputy Commissioner White described the 2.7 million dollar media campaign, which was put in place by PASS a multicultural marketing and communication company. Heroes Wanted is the theme of the campaign. Deputy Commissioner White indicated that at the time of the meeting, approximately 700 ads per week were placed on billboards, bus shelters and telephone kiosks throughout the City.

The Deputy Commissioner also explained that the recruitment unit was also working on having public service announcements ("PSA's") on the radio and that Rev. Calvin Butts, of Abyssinian Baptist Church, and Eve, the Internationally known recording artist, had agreed to record the PSA. Additional PSA's were to be done by on-air personalities.

The Deputy Commissioner also indicated that the Recruitment Unit was budgeted at 1.6 million dollars and would have approximately 20 firefighters per day attending various events such as, job and school fairs, churches, expos, career days, non-profit organizations and college presentations. The unit also used fire cadets to distribute flyers, contact cards, poster placements and for general out reach.

Paul Washington of the Vulcan Society pointed out the recruitment unit need 100 recruiters on the street every day of the campaign to make a difference. Deputy

Commissioner White indicated that the unit was trying to run a comprehensive campaign i.e. recruiters, media advertisement, information sessions, mailings and mentoring. Deputy Commissioner White stated that he did not think 100 recruiters constituted a "magic" number.

Paul Washington led a discussion on what he calls the unfairness of the firefighter test. He said that you don't need to score 85 or above to be a good firefighter. Washington also argued that perhaps the written exam should be eliminated. Deputy Commissioner White noted that Paul Washington had made those arguments to the Commissioner, Nicholas Scoppetta and the Mayor, Michael R. Bloomberg.

At the request of Paul Washington, Deputy Commissioner White briefed the committee on the current number of applicants who filed to take the firefighter exam (including their race and gender). Paul Washington suggested that we were going to have a big fall off between those who file to take the exam and those who actually take it. He said we needed to work on a follow-up effort. The committee discussed an attrition prevention program, i.e. mailings to filers, mentoring, telephone contracts etc. Philip Parr and Tarece Johnson indicated that the unit had already put in place many of the suggestions discussed and some of the suggestions had come from the Vulcan Society, Hispanic Society and United Women Firefighters Association. Tarece Johnson indicated that we were fleshing out the attrition prevention program and would hope the advisory committee members would contact the recruitment unit with suggestions.

William Whelan of the Emerald society stated that he thought the Heroes Wanted theme of the campaign was a mistake and a disservice to those who died on 911. Those filing to take the firefighter exam are not heroes.

ATTACHMENT C

Recruitment & Diversity Initiatives Unit Attrition Prevention Plan

The Recruitment & Diversity Initiatives Unit, in conjunction with the Computer Programming and Operations Unit, CPOU collaborated to create and design a database to record, update and track all potential candidates. This database has a variety of functions, it 1) generates automatic customized reports 2) produces mailing labels and 3) performs queries for specific information, among other things.

The Unit collects information from interested persons at various recruitment venues (*i.e. events, career fairs, schools, colleges, recruitment sessions, recruitment posts, streets, non-profit organizations, subways, malls, etc.*). These "interest cards" are then input into the database with contact information from people who expressed interest in firefighting as a career. This database facilitates the mailing, tracking and follow-up of all potential candidates.

We have and will continue to collect information from interested persons and contact candidates via mail and/or phone to encourage and consistently follow up with them regarding a career in firefighting. Applications, information regarding firefighter benefits and requirements to be a firefighter were mailed to those who completed the interest cards. Several letters were also mailed to these persons with updated firefighter presentation locations, dates and times where potential candidates may meet firefighters, ask questions, see motivational recruitment videos and understand firefighting as a career, as well as learn more about the written and physical exams. These sessions were designed to educate, inform, encourage and recruit brave people to join the FDNY. Prospective candidates were also called last month to encourage them to file and study to take the Firefighter's written exam.

The Recruitment & Diversity Initiatives Unit's "Attrition Prevention Plan" includes, but is not limited to the following:

- Mailing a special newsletter to the 14,000 potential candidates in our database encouraging them to file before the September 30th deadline and listing some self-study books to encourage interested persons to start studying for the written exam.
- Requesting all prospective candidates in our database to contact us to advise of their filing status; this will facilitate our follow-up with those who filed for the exam.
- Mailing letters with suggestions/tips on how to best prepare for the written exam and also give a listing of written exam training sessions throughout the city.
- As the physical exam nears, candidates will receive information from the Recruitment Unit on how to best prepare and introduce them to various physical training options.
- Notifying all candidates who passed the written exam that they have a free 4-month membership to select New York Sports Clubs. These candidates will have the opportunity to train for the physical exam.
- Preparing and training all women who passed the written exam to pass the physical exam.
- Mailing monthly newsletters with information on encouraging themes such as firefighting as a career, mentors, meetings/sessions, profiles of firefighters, events and career preparation, etc. to all candidates in our database.

Mentoring Activities

FDNY

1. Orientation & Informational sessions to diverse candidates
2. Written & Physical exam training

Fraternal Organizations

3. Vulcan Society & Hispanic Society provided informational sessions to all interested candidates
4. Vulcan Society & Hispanic Society provided written exam training to all candidates who filed to take the exam

United Women Firefighters

5. United Women Firefighters met with interested women candidates to encourage them to consider firefighting a career.
6. The United Women Firefighters supported women in their training for the written examination.
7. The United Women Firefighters will also assist women during their participation in the NYSC firefighter training program
8. The United Women Firefighters called all women candidates who filed to take the exam to remind and encourage them.

The United Women Firefighters, Hispanic Society & Vulcan Society will continue to provide information, encouragement and assistance to their constituents.

Recruitment Informational Sessions at Headquarters:

The Fire Department is hosting recruitment session every Monday from 6 – 8PM at 9 Metro Tech Center in the auditorium.

Date	Sessions
Monday, July 8	Fire fighting as a career Introduction Welcome Show Recruitment Video Power Point Presentation Discuss what the job involves (examples & experiences) Questions & Answers
Monday, July 15	How to apply to become a NYC Firefighter Introduction Welcome Show Recruitment Video Power Point Presentation Application Process (examples & experiences) Review Application Mailing Instructions Questions & Answers
Monday, July 22	Firefighter Benefits Introduction Welcome Show Recruitment Video Power Point Presentation Discuss firefighter benefits Professional, Financial, Personal,, etc. (examples & experiences) Questions & Answers
Monday, July 29	The Testing Process Introduction Welcome Show Recruitment Video Power Point Presentation Explain & Describe testing process (examples & experiences) Brief description of written & Physical exam Give samples booklets of exams Questions & Answers
Monday, August 5	New York City Fire Fighter Organizations Introduction Welcome Show Recruitment Video Power Point Presentation 8 Minutes presentation from every firefighter organization Questions & Answers

Monday, August 12	History of the Fire Department Introduction Welcome Show Recruitment Video Power Point Presentation Factual & Historical Info. of the NYC Fire Department The mission and duties of the Fire Department Questions & Answers
Monday, August 19	Other career options in the Fire Department Introduction Welcome Show Recruitment Video Power Point Presentation Brief description of jobs in the Fire Department 5 minutes presentation on careers such as Cadet program, EMT, Fire Marshall, firefighter, etc. Questions & Answers
Monday, August 26	Vulcan Society Meeting for Prospective Fire Fighters Introduction Welcome Show Recruitment Video Power Point Presentation Vulcan Society Presentation Questions & Answers
Monday, September 9	Hispanic Society Meeting for Prospective Fire Fighters Introduction Welcome Show Recruitment Video Power Point Presentation Hispanic Society Presentation Questions & Answers
Monday, September 16	Filing for the NYC Fire Department examination Introduction Welcome Show Recruitment Video Power Point Presentation Review Filing Process Encourage candidates to file before 9/30 Questions & Answers

Monday, September 23	<p>United Women Fire Fighters Meeting for Prospective Fire Fighters</p> <p>Introduction</p> <p>Welcome</p> <p>Show Recruitment Video</p> <p>Power Point Presentation</p> <p>United Women Firefighters Presentation</p> <p>Questions & Answers</p>
Monday, September 30	<p>All about the Fire Fighter written exam</p> <p>Introduction</p> <p>Welcome</p> <p>Show Recruitment Video</p> <p>Power Point Presentation</p> <p>Give sample exam booklets</p> <p>Review written exam</p> <p>Tips on preparing for written exam</p> <p>Questions & Answers</p>
Monday, October 7	<p>Preparation tips for the physical exam</p> <p>Introduction</p> <p>Welcome</p> <p>Show Recruitment Video</p> <p>Power Point Presentation</p> <p>Give sample physical exam booklets</p> <p>Review physical exam</p> <p>Tips on preparing for physical exam</p> <p>Questions & Answers</p>
Monday, October 14	<p>What's next after the written & physical exam</p> <p>Introduction</p> <p>Welcome</p> <p>Show Recruitment Video</p> <p>Power Point Presentation</p> <p>Review Hiring Process</p> <p>Discuss requirements</p> <p>Discuss waiting time and what to do while waiting on appointment</p> <p>Questions & Answers</p>
Monday, October 21	<p>Fire Fighting Videos</p> <p>Introduction</p> <p>Welcome</p> <p>Show Recruitment Video</p> <p>Power Point Presentation</p> <p>Show various fire fighting videos</p> <p>Questions & Answers</p>
Monday, October 28	<p>Review Practice Exam</p>

Working relationships with Organizations

SUMMARY

The unit mailed a letter to fraternal organizations encouraging support and requesting names of people from their organization to assist the unit in this campaign. As a result, we have a list of diverse auxiliary firefighters to assist the unit in recruitment endeavors. This unit worked extensively with members of each organization during all phases of our campaign (the Vulcan Society, the Hispanic Society, and the United Women Firefighters), using them for events, training, and our recruitment presentations.

- Met with Lt. Michael Marshall, VP of the Vulcan Society on several occasions to discuss recruitment strategies, current recruitment efforts and negative media attention regarding lack of African Americans in Fire Department.
- Met with Lt. Miguel Ramos to discuss recruitment and requested suggestions and comments.
- Met with Capt. Brenda Berkman to discuss women recruitment efforts, invited Cpt. Berkman to a meeting with the New York Sports Clubs to discuss training for women candidates. Followed up on most of Cpt. Berkman's suggestions and requests.
- 1. Shared all contact information of all the Blacks, Women & Hispanics who expressed interest in firefighting as a career and who allowed us permission to share their information.
- 2. Supplied the Societies and UWF with mailing labels to outreach to their candidates.
- 3. Supplied the Societies and UWF with envelopes to mail letters to their constituents.
- 4. Invited members from Societies and UWF to conduct information sessions at headquarters.
- 5. Shared information on events, training and presentations to all candidates in database regarding organization events.
- 6. Shared organization contact information to all interested candidates in database.
- 7. Trained members from the societies and UWF on test taking strategies, to best prepare candidates to take the Written exam.

DETAILS

Auxiliary Firefighters and Recruitment Unit Presentation Training

On July 1st and 2nd a cadre of 35 auxiliary firefighters from various FDNY organizations attended a 3-hour training session to prepare them to give FDNY informational presentations. The training consisted of recruitment facts and video and power point presentations.

Recruitment Efforts & Vulcan & Hispanic Societies

- Chief Philip E. Parr was assigned as Chief of Recruitment.
- FF John Coombs, Regina Wilson, Tracy Lewis, Russel Feliciano & Ralph Negrón among other Society Members assist in the recruitment campaign full-time.
- The Recruitment Unit trained Society Members at the FDNY on how to give recruitment presentations and supplied them with a recruitment videos and a power-point presentation.
- The Unit assisted Societies with presentations.

- The Unit shared candidate information with the Societies – mailing labels/ addresses of all blacks in the database who permitted us to do so.
- Chief Parr & Tarece Johnson periodically met with leaders from the Vulcan & Hispanic Society
- The Unit invited the Societies to give a presentation to interested candidates at the FDNY headquarters.
- The Unit has included the Societies in all printed materials, outreach and shared contact information.
- The Unit calls Society members to attend recruitment events and presentations when needed (evening & weekends).
- The Recruitment & Diversity Initiatives Unit coordinated a "Train the Trainer" course to teach Firefighters including members of the Societies - general test taking techniques. This course taught Firefighters how to best conduct a written exam training course, multiple choice strategies and test preparation advice.

Women Recruitment Efforts & United Women Firefighters

- Tarece Johnson was appointed as Director of Diversity Initiatives.
- Firefighter Tracy Lewis & Regina Wilson are detailed to the unit to assist in the recruitment campaign.
- The recruitment unit along with the United Women's Firefighter Association offered informational sessions at the FDNY headquarters to all women interested in Fire fighting as a Career. We mailed 1,200 letters to all women in our database and included this information on the web site advising women to attend these sessions. Sessions were held on 8/1, 8/15, 9/12, 9/23, 9/27, 10/17, 10/24 & 10/30 from 6:30 – 7:30PM.

Outreach to women in the trades

Partnering with trade organizations to target non-traditional women.

- Non-traditional Employment for Women
Ms. Lisa Wager 212-627-6252 ext. 226
243 West 20th Street 3rd floor
Recruitment presentations were scheduled from 7/11 – 9/30.
(Non-traditional Employment for Women has done additional outreach to women)

Media/Advertising

- All video and media advertising has included women in prominent positions.

Physical Training

- We have formed a partnership with the New York Sports Club to host pre-conditioning physical training and special work-out program for women preparing for the physical exam.

Written Exam Training

In order to encourage candidates to follow through with confidence their taking of the firefighter exam the recruitment unit designed and hosted training sessions throughout the city. Our focus was to mitigate the usual attrition of candidates particularly minority candidates taking the exam.

Written Exam Training

The Recruitment Written Exam Training covered general test taking information, nine ability areas, preparation and review of the Firefighter practice exam, among other things. Firefighter Written Exam Training Courses were provided to only the candidates who filed to take the exam. The Unit mailed information regarding training sessions to its database (*people who expressed interest in firefighting as a career*). Firefighter written exam information was shared with any individual who inquired about the exam, students from High Schools, Colleges and to members from the Non-Profit Organizations assisting the Recruitment Unit. The Unit provided written exam training of twenty classes per week at ten different locations taught by trained firefighters. The course provided a free Firefighter Test Preparation Manual and a Memory and Examination Booklet to each candidate. The training sessions commenced the week of November 4th and continued through December 13th. These classes were presented twice a week, once during the weekday evening from 6:00 – 8:30 PM and on Saturday mornings. (*For a list of written exam training locations see October Issue of the Recruitment "Heroes Wanted" Newsletter.*)

Physical Exam Training

The New York City Fire Department's Recruitment & Diversity Initiatives Unit is coordinating a partnership with the New York Sports Clubs (NYSC) to allow access to all candidates who passed the written examination to exercise in select facilities. These candidates will be given a six-month membership to the New York Sports Clubs. The NYSC will coordinate a supervised "express line" in certain club locations. This circuit training will consist of a group of exercise machines that help develop the muscles used throughout the physical exam. Fire Department & NYSC trainers will assist candidates in their routines to ensure proper use of machines and muscle/strength development.

During the month of February the Unit will sponsor orientation meetings at headquarters outlining the process for successful candidates who have passed the written exam. These sessions will also allow candidates to sign and receive a temporary membership card. Access to the NYSC will start in February and end on July 1.

Physical Training for Women

The NYSC is also developing a special program to physically train women who have passed the written exam. One of the major challenges to women being hired as New York City firefighters is the rank-ordered physical abilities entry exam. This exam entails strenuous upper and lower body exercises. A program designed to train women to build strength and endurance is critical to the success of women firefighters. The NYSC training program will not only encourage and build interest in women candidates but it will also demonstrate support for women in non-traditional jobs. This 8 week training program will start in March. The training location will be held in the Wall St. NYSC on Wednesday and Thursday evenings & Sunday afternoons.

Other Continued Efforts

High levels of successful minority candidates (*those who've passed the physical and written exam*) do not complete the hiring process. This unit will maintain contact via mail, meetings and phone with these candidates and assist them in successfully completing the entire process.

The unit will continue to work with non-profit and religious organizations to educate, recruit and train interested candidates.

As staffing schedules permit, this unit will continue to perform daily outreach efforts in junior high, high schools, colleges and job fairs.

The Unit will continue to work with other Units in the Fire Department to assist with recruitment efforts in building awareness in diverse communities.



EQUAL EMPLOYMENT PRACTICES COMMISSION

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Deputy Director

April 3, 2003

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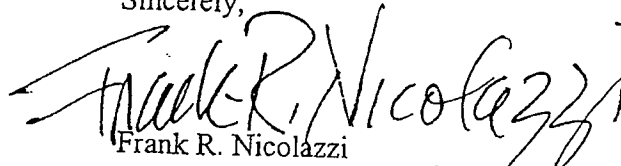
Re: Determination To Issue Report To The Mayor

Dear Commissioner Scopetta:

Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission voted unanimously to issue a Report To The Mayor pursuant to the failure of the New York Fire Department to take certain appropriate and effective corrective actions as recommended in this Commission's Follow-up Audit of the Fire Department's Recruitment Program for Firefighter Examination # 7029 (1999).

The Report To The Mayor will be distributed on Tuesday, April 8, 2003. A copy will be forwarded to you simultaneously. Section 832 of the New York City Charter requires you to submit a written response to this Commission and the Mayor Michael Bloomberg thirty days hereafter.

Sincerely,


Frank R. Nicolazzi
Vice-Chair

Deputy Mayor, Carol Robles-Roman
David Clinton, Esq., Deputy Commissioner Legal

EEPC 0444